

W. 2771

No. 13519

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United States  
Court of Appeals  
for the Ninth Circuit.

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WILLIAM LAFAYETTE ALFORD,

Appellant,

vs.

TERRITORY OF HAWAII,

Appellee.

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Transcript of Record

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Appeal from the Supreme Court for the  
Territory of Hawaii

FILED

DEC - 4 1952

PAUL E. O'BRIEN  
CLERK

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No. 13519

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[Clerk's Note: When deemed likely to be of an important nature, errors or doubtful matters appearing in the original certified record are printed literally in *italic*; and, likewise, cancelled matter appearing in the original certified record is printed and cancelled herein accordingly. When possible, an omission from the text is indicated by printing in *italic* the two words between which the omission seems to occur.]

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In the Circuit Court of the First Judicial Circuit,  
Territory of Hawaii  
January Term, 1951

THE TERRITORY OF HAWAII,

vs.

WILLIAM LAFAYETTE ALFORD,  
Defendant.

INDICTMENT  
(Procuring and Pimping)

First Count

The Grand Jury of the First Judicial Circuit of the Territory of Hawaii do present that William Lafayette Alford, at the City and County of Honolulu, Territory of Hawaii, and within the jurisdiction of this Honorable Court, between the 1st day of October, 1949, and the 31st day of December, 1949, the exact days and dates being to the Grand Jury unknown, wilfully, unlawfully and feloniously did induce, compel and procure a certain female named Edna Rodrigues Alford, also known as Edna Rodrigues Jackson, to practice prostitution, and to hold herself out as a prostitute, with intent in him, the said William Lafayette Alford, thereby obtain and secure from said Edna Rodrigues Alford, also known as Edna Rodrigues Jackson, a portion of the gains earned by her, the said Edna Rodrigues Alford, also known as Edna Rodrigues Jackson, in such practice of prostitution and holding herself out as a prostitute, and did then and there and thereby

commit the crime of procuring and pimping contrary to the form of the statute in such case made and provided.

### Second Count

And the Grand Jury of the First Judicial Circuit of the Territory of Hawaii do further present that William Lafayette Alford, at the City and County of Honolulu, Territory of Hawaii, and within the jurisdiction of this Honorable Court, between the 3rd day of February, 1950, and the 24th day of February, 1950, the exact days and dates being to the Grand Jury unknown, wilfully, unlawfully and feloniously did induce, compel and procure a certain female named Edna Rodrigues Alford, also known as Edna Rodrigues Jackson, to practice prostitution, and to hold herself out as a prostitute, with intent in him, the said William Lafayette Alford, thereby to obtain and secure from said Edna Rodrigues Alford, also known as Edna Rodrigues Jackson, a portion of the gains earned by her, the said Edna Rodrigues Alford, also known as Edna Rodrigues Jackson, in such practice of prostitution and holding herself out as a prostitute, and did then and there and thereby commit the crime of procuring and pimping, contrary to the form of the statute in such case made and provided.

### Third Count

And the Grand Jury of the First Judicial Circuit of the Territory of Hawaii do further present that William Lafayette Alford at the City and County of Honolulu, Territory of Hawaii, and within the

jurisdiction of this Honorable Court, between the 3rd day of March, 1950, and the 25th day of March, 1950, the exact days and dates being to the Grand Jury unknown, wilfully, unlawfully and feloniously did induce, compel and procure a certain female named Edna Rodrigues Alford, also known as Edna Rodrigues Jackson, to practice prostitution, and to hold herself out as a prostitute, with intent in him, the said William Lafayette Alford, thereby to obtain and secure from said Edna Rodrigues Alford, also known as Edna Rodrigues Jackson, a portion of the gains earned by her, the said Edna Rodrigues Alford, also known as Edna Rodrigues Jackson, in such practice of prostitution and holding herself out as a prostitute, and did then and there and thereby commit the crime of procuring and pimping, contrary to the form of the statute in such case made and provided.

#### Fourth Count

And the Grand Jury of the First Judicial Circuit of the Territory of Hawaii do further present that William Lafayette Alford, at the City and County of Honolulu, Territory of Hawaii, and within the jurisdiction of this Honorable Court, between the 4th day of April, 1950, and the 10th day of April, 1950, the exact days and dates being to the Grand Jury unknown, wilfully, unlawfully and feloniously did induce, compel and procure a certain female named Edna Rodrigues Alford, also known as Edna Rodrigues Jackson, to practice prostitution, and to hold herself out as a prostitute, with intent in him,

the said William Lafayette Alford, thereby to obtain and secure from said Edna Rodrigues Alford, also known as Edna Rodrigues Jackson, a portion of the gains earned by her, the said Edna Rodrigues Alford, also known as Edna Rodrigues Jackson, in such practice of prostitution and holding herself out as a prostitute, and did then and there and thereby commit the crime of procuring and pimping, contrary to the form of the statute in such case made and provided.

#### Fifth Count

And the Grand Jury of the First Judicial Circuit of the Territory of Hawaii do further present that William Lafayette Alford, at the City and County of Honolulu, Territory of Hawaii, and within the jurisdiction of this Honorable Court, between the 11th day of April, 1950, and the 15th day of July, 1950, the exact days and dates being to the Grand Jury unknown, wilfully, unlawfully and feloniously did induce, compel and procure a certain female named Edna Rodrigues Alford, also known as Edna Rodrigues Jackson, to practice prostitution, and to hold herself out as a prostitute, with intent in him, the said William Lafayette Alford, thereby to obtain and secure from said Edna Rodrigues Alford, also known as Edna Rodrigues Jackson, a portion of the gains earned by her, the said Edna Rodrigues Alford, also known as Edna Rodrigues Jackson, in such practice of prostitution and holding herself out as a prostitute, and did then and there and thereby commit the crime of procuring

and pimping, contrary to the form of the statute in such case made and provided.

A true bill found this 1st day of March, A.D. 1951.

/s/ HUGH HOWELL, JR.,

Foreman of the Grand Jury.

/s/ JAMES MORITA,

Assistant Public Prosecutor of the City and County of Honolulu.

Certified true copy.

[Endorsed]: Presented and filed March 1, 1951.

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In the Circuit Court of the First Judicial Circuit,  
Territory of Hawaii

[Title of Cause.]

Present: Hon. Jon Wiig, Fifth Judge Presiding.

### SENTENCE

Mr. Marshall made a statement to the Court, requesting probation for the defendant upon condition that said defendant depart from the Territory of Hawaii within seven (7) days.

The Court sentenced the defendant as follows:

Confinment in Oahu Prison, at hard labor, for a period of five (5) years on each count contained in the indictment. (There are five counts in said indictment.)

The period of confinement on each count was ordered to run concurrently.

Mr. Marshall gave notice of appeal.

The defendant, through his counsel, having given notice of appeal, was not sent to prison, issuance of mittimus in his case being stayed for a period of thirty (30) days.

May 25, 1951.

/s/ ROGER P. WHITMARSH,  
Clerk.

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In the Supreme Court of the Territory of Hawaii

October Term 1951

No. 2868

TERRITORY OF HAWAII,

vs.

WILLIAM LAFAYETTE ALFORD.

Error To Circuit Court First Circuit  
Hon. J. Wiig, Judge

Argued May 22, 28, 1952.

Decided July 2, 1952.

### OPINION

Towse, C. J., Le Baron and Stainback, JJ.

Appeal and Error—sufficiency of presentation—  
validity of statutes.

The validity of a statute cannot be raised for the first time on appeal.

Criminal Law—evidence of other offenses—admissibility.

Evidence of facts showing motive, intent, plan or scheme on the part of defendant is admissible though such facts may show former offenses committed by defendant prior to the period of the statute of limitations.

Witnesses—competency—husband and wife—for or against each other—criminal prosecutions—common law exception.

At common law one spouse cannot testify for or against the other in a criminal prosecution except in a case of an offense of physical violence committed by one against the person of the other, this exception being based upon the necessity of the occasion. The absence of such an exception would leave the one without protection from the other. (Lord Audley's Case, decided in 1631, 3 How. St. Tr. 401, 414.)

Same—same—same—same—same—same—codified by statute.

Common law rule has been codified by statute in many States and in the Territory of Hawaii.

Same—same—same—same—same—same—common law expounded.

The common law consists of fundamental principles and reasons and the substance of rules as illustrated by the reasons on which they

are based rather than by the mere words in which they are expressed. It is not immutable but flexible and by its own principles adapts itself to varying conditions, and the court at all times in the application of any rule should give heed to present-day standards of wisdom and justice.

Same—same—same—same—same—same— common law applied.

Under the common law as interpreted in the light of modern experience, reason and the furtherance of justice, the exception to the general rule making a wife incompetent to testify against her husband in criminal cases, save when she has suffered a personal injury through his action, permits a wife to testify against her husband in a prosecution for a crime committed by the husband which corrupts the wife's morality, the exception of necessity in the case of assault for injuries to the spouse being equally applicable in protecting a wife against "complete degradation."

Same—same—same—same—same—same— effect of statute removing disqualification.

Where a husband was charged with the offense of compelling and procuring his wife to practice prostitution with intent to obtain a portion of the gains earned by her in such practice, the offense is one "against the person of his wife" under section 9838, Revised Laws of Hawaii 1945, and she is competent to testify



against her husband when he is on trial for such offense.

### Opinion of the Court

By Stainback, J.

The defendant was indicted March 1, 1951, on five counts for procuring and pimping, contrary to the provisions of section 11676, Revised Laws of Hawaii 1945, as amended by Act 26 of the Session Laws of Hawaii 1949, the alleged offenses being committed on various dates as therein set out between the 1st day of December, 1949, and the 15th day of July, 1950. Defendant was arraigned in the circuit court of the first judicial circuit on April 13, 1951, where he entered a plea of not guilty; trial was had, jury waived; on April 25, 1951, defendant was found guilty and he was sentenced on May 25, 1951.

The evidence shows that the wife of defendant first met him in March, 1946, and lived with him from July, 1946, prior to her marriage to him in December, 1948; that she was working as a waitress and he was unemployed while living with her; that in August, 1946, the defendant persuaded her to go into the practice of prostitution; that he called her names, threatened her, and told her he had ways of handling a woman like her; that if she didn't do what he said he would "bust my face"; from then on she continued to practice prostitution, turning her earnings over to him. After her marriage to him in December, 1948, she did not cease the practice of prostitution but continued to practice it upon his insistence and he continued to take her earnings.

Detailed evidence was given as to various trips to the outside islands and the remitting of her earning to defendant.

There is ample evidence (consisting mainly of the testimony of the wife of defendant, to which testimony objections were made), to show that defendant was guilty of the offense of pimping and procuring.

Before discussing the objections to the testimony of the wife of defendant, we shall briefly comment on the question raised for the first time on appeal as to the constitutionality of Act 26, Session Laws of Hawaii, 1949, which it is alleged is contrary to section 45 of the Organic Act. As the question was not raised in the court below, and at the first opportunity, it cannot be raised for the first time in this court. (*Territory v. Kelley*, 38 Haw. 433; *Territory v. Tsutsui*, 39 Haw. 287.)

Objections to the testimony of defendant's wife may be summarized as follows: (1) that the offense of procuring and compelling a wife to practice prostitution was not an offense against the person of the wife and therefore she was not competent to testify against defendant at a trial for such offense; (2) that evidence relating to other offenses, in particular those committed prior to the statute of limitations, was inadmissible and, if admissible, that the witness, who was the wife of defendant, was not competent to testify thereto for reasons set forth under (1) above; and, (3) if procuring the wife to practice prostitution were an offense against the wife and if she were competent to testify rela-

tive thereto, yet as to offenses committed prior to coverture the wife was not competent to testify under section 9838, Revised Laws of Hawaii 1945.

That evidence of facts showing motive, intent, plan and scheme on the part of defendant (even though it tends to show former offenses of the defendant) may be given is too well settled to need extended discussion. "It is not error to admit evidence of facts showing motive, or which are part of the transaction, or exhibit a train of circumstantial evidence of guilt, although such facts showed former offenses of the defendants." (Ter. of Haw. v. Watanabe Masagi, 16 Haw. 196.) See also: Ter. v. Chong Pang Yet, 27 Haw. 693; Ter. v. Awana, 28 Haw. 546; Ter. v. Oneha, 29 Haw. 150; Territory v. Abellana, 38 Haw. 532; Wharton's Criminal Evidence, 11th Ed., Vol. 1, §352, p. 527; Underhill's Criminal Evidence, 4th Ed., §187, p. 346: "Unrelated crimes which were barred by the statute of limitations may be introduced to show general plan \* \* \*."

"While ordinarily evidence is not admissible of a crime distinct from that for which the defendant is being tried, the fact of such crime, and defendant's connection with it, may be proved whenever it tends to show guilty knowledge, design, plan, motive or intent, if these matters are in issue in the case on trial. \* \* \* the evidence referred to would have been admissible if the first four counts had never been drawn. Upon this point it is well said by the Superior Court (88 Pa. Superior Ct. 216, 223): 'This evidence, documentary and oral,

was admissible under the well-settled rule that evidence of similar and unconnected offenses may be offered to show guilty knowledge, design, plan, motive and intent when such is in issue, and this is true although the other offenses are beyond the statutory period: [Citing authorities.] Here the evidence tended to show that the offenses charged were part of a system \* \* \*." (Commonwealth v. Bell, 288 Pa. 29, 135 Atl. 645.)

It was therefore not error to admit evidence showing that beyond the statute of limitations the defendant forced the complaining witness for the prosecution by threats and intimidation into the practice of prostitution and exacted from her the proceeds of such practice. Obviously, this showed his scheme and design and, with her other testimony, also showed that it was a continuing offense up to the dates alleged in the indictment.

As to whether the wife herself may give evidence of such offenses committed prior to coverture will be discussed hereinafter with the discussion as to what extent the wife is a competent witness against her husband for compelling or persuading her to engage in prostitution.

It is contended that where a husband is charged with the offense of compelling and procuring his wife to practice prostitution with the intent to obtain and secure from her a portion of the gains earned in such practice of prostitution, the "offense" is not one "against the person of his wife" and therefore under section 9838, Revised Laws of Hawaii 1945, she is not competent to tes-

tify against her husband when he is on trial for such offense.

At common law one spouse cannot testify for or against the other in a criminal prosecution except that one may testify against the other as to an offense of violence committed by the latter "against the person" of the former, this exception being based upon the necessity of the situation, for the absence of such an exception would leave the one without protection from the other. (Lord Audley's Case, decided in 1631, 3 How. St. Tr. 401, 414.)

This exception has been codified by statute in some States and the States have removed the disqualification of a defendant testifying in his own behalf in criminal cases; they have also either by statute or judicial decision permitted the wife or the husband to testify in a criminal proceeding in behalf of the other.

It would appear that Hawaii has followed this procedure, as Laws of 1876, chapter XXXII, section 53, contained the following provision: "Section 53. Nothing herein contained \* \* \* shall in any criminal proceeding render any husband competent or compellable to give evidence against his wife, or any wife competent or compellable to give evidence against her husband, except in such cases where such evidence may now be given; provided also that in all criminal proceedings the husband or wife of the party accused shall be a competent witness for the defense." The Session Laws of 1927 inserted after the clause "except in such cases where such evidence may now be given" the fol-

lowing: "and in such cases in which the accused is charged with the commission of an offense against the person of his wife or of her husband, as the case may be."

Is compelling or persuading of a wife by the husband to become a prostitute an "offense against the person of his wife"? Counsel for defendant strongly urges that our statute is a codification of the common law and must be strictly construed; that the offense "against the person of his wife" must be a crime of violence involving bodily injury to the person; that such was the common law authorities and weight of the authority in the States under various statutes.

Assuming that the Hawaiian statute is a codification of the common law, let us therefore examine what the common-law rule was and is as interpreted by enlightened modern authorities in regard to testimony of a wife against her husband for an "offense against" her "person."

As the question of the qualifications of the spouses as witnesses against each other in criminal prosecutions is controlled by legislative enactment in most of the States, the modern growth and development of the common-law rule regarding the testimony of one spouse against the other is primarily to be found in the decisions of the federal courts. In this connection it has often been said that the common law is not immutable but flexible and by its own principles adapts itself to varying conditions. The court in *Funk v. United States*, 290 U.S. 371, in deciding that a wife was a compe-

tent witness in behalf of her husband in a criminal case, even though there be no statutory modification of the common-law rule, said in substance that courts in the face of changing conditions are not chained to ancient formulae but may enforce conditions deemed to have been wrought in the common law itself by force of changing conditions; that the public policy of one generation may not under changed conditions be the public policy of another; that the dead hand of a common-law rule of evidence of 1789 should no longer be applied where contrary to modern experience and thought and to the general current of the legislative and judicial opinion; that the court at all times in the application of any rule of evidence should give heed to present-day standards of wisdom and justice.

Our own court in *Dole v. Gear*, 14 Haw. 554, in refusing to follow an old English rule and the decisions of Massachusetts, where the English rule was regarded as the correct one and whose statute Hawaii adopted, recognized that the common law consists of principles and not of set rules; on page 561 of the decision it quotes with approval from *Morgan v. King*, 30 Barb. 9: “\* \* \* ‘when it is said that we have in this country adopted the common law of England, it is not meant that we have adopted any mere formal rules, or any written code, or the mere verbiage in which the common law is expressed. It is aptly termed the unwritten law of England; and we have adopted it as a constantly improving science, rather than as an art; as a system of legal logic, rather than as a code of

rules. In short, in adopting the common law, we have adopted its fundamental principles and modes of reasoning, and the substance of its rules as illustrated by the reasons on which they are based, rather than by the mere words in which they are expressed.' ”

In *United States v. Williams*, 55 F. Supp. 375, at page 380, the statement was made that: “ \* \* \* rules of evidence for criminal trials in the federal courts are made a part of living law and not treated as a mere collection of wooden rules in a game.’ ”

Following this emancipating interpretation of the common law, as set forth in *Funk v. United States*, *supra*, the federal courts have uniformly ruled that under the common law as interpreted in the light of modern experience, reason, and in the furtherance of justice, the exception to the general rule making a wife incompetent to testify against her husband in criminal cases, save when she has suffered a personal injury through his action, permits the wife to testify against her husband in a prosecution for a crime instituted by the husband which corrupts the wife’s morality.

In *United States v. Rispoli*, 189 Fed. 271 (1911), permitting the wife to testify against her husband in a Mann Act case, it was stated: “ \* \* \* the offense in question was essentially within the spirit of the long-established rule that allows her to testify in protection or in vindication of her right to be secure in her person against threat or assault, even by her husband.’ ”

The federal decisions relating to Mann Act cases



are filled with similar statements. For example, in *United States v. Mitchell*, 137 F. (2d) 1006, it was said: "After all, the situation of the injured wife deserves some consideration; and in circumstances such as are here presented (violation of the Mann Act), we think it would be shocking to deny her the right to testify. With *Denning v. United States*, *supra*, 247 F. at page 466, we believe that 'a woman is as much entitled to protection against complete degradation as against a simple assault.'"

*Shores v. United States*, 174 F. (2d) 838, decided in 1949, stated in the syllabus: "Defendant's transportation of wife in interstate commerce contrary to the Mann Act was a personal wrong against the wife whose testimony was properly admitted in evidence \* \* \*." (Emphasis added.)

*Cohen v. United States*, 214 Fed. 23, in another white slave case, held that the bringing of the wife from one State to another in violation of the White Slave Act was "such a personal injury to her as to entitle her to testify against him." (Emphasis added.)

In accord are the following cases: *Pappas v. United States*, 241 Fed. 665; *Denning v. United States*, 247 Fed. 463; *United States v. Mitchell*, 137 F. (2d) 1006 (aff'd on rehearing, 138 F. [2d] 831; cert. denied, 321 U.S. 794; rehearing denied, 322 U.S. 768); *Levine v. United States*, 163 F. (2d) 992; *Hayes v. United States*, 168 F. (2d) 996; *Shores vs. United States*, 174 F. (2d) 838; *United States v. Bozeman*, 236 Fed. 432; *United States v. Williams*, 55 F. Supp. 375.

The Williams case, *supra*, contains a very excellent discussion of the authorities and the reasons behind those decisions. It held in portions of the syllabus as follows: "Under the common law as interpreted in light of modern experience, reason, and in furtherance of justice, exception to rule generally making a wife incompetent to testify against husband without his consent save when she has suffered personal injuries through his actions has been expanded to permit wife to testify against husband in prosecution for crime which corrupts wife's morality." This case points out that the old common-law rule that a wife generally could not testify against her husband was and is sustained upon the ground that the contrary rule would disturb the marital happiness of the couple, but an exception to this rule was made and the wife was permitted to testify against her husband when she suffered personal injury. This exception was based upon the necessity of the situation. It discusses the 1916 case of *Johnson v. United States*, 221 Fed. 250, which held that the wife could not testify against her husband in a Mann Act case; that the rule existing in 1789, which at common law prevented a wife from testifying against her husband unless she had suffered personal violence at his hand, could be changed only by statute; it then points out and discusses the *Funk v. United States* case, *supra*, which overrules the *Johnson* case, and held that the federal courts are not bound by the common-law rules which governed the wife's competency and privilege to testify in 1789 or any other

year. It discusses several of the cases relied on by defendant where the wife cannot testify in crimes such as bigamy, adultery and fraud on the part of the husband, pointing out that though such cases may be a moral wrong to the wife, certainly they involve no injury to her morals; that Mann Act violations do involve injuries to the wife's morals. It continues: "Consequently, cases coming down to us from the old common law rule of 1789, and still followed by some courts today, really pertain only to crimes of personal violence by the husband against his wife and not to crimes like the instant one which result in moral violence to the wife. So it seems fallacious to suggest that a wife cannot testify against her husband—even if he has injured her morals—merely because the common law provided for a wife's testifying against her husband only when he had used violence upon her person. The common law seems never to have had occasion to consider the question of exceptions to the general rule further than the personal injury situation.

"No one can doubt that the common-law exception invoked when the husband uses personal violence against his wife is sound. Moreover, it is securely rooted in the foundations of modern justice, and no reason to unearth it has been suggested. As some courts which have considered the question of moral injury have pointed out, the acts like those which this defendant has committed are the same, in practical thinking, as an act of personal violence against the wife. [Citing authorities.] It is undoubtedly an offense against the wife, and it

operates directly and immediately upon her.” (Emphasis added.)

We agree with this statement that such act is “undoubtedly an offense against the wife, and it operates directly and immediately upon her.” It is no strained construction to hold that putting one’s wife into prostitution is “an offense against the person of his wife.”

Finally, as to the contention that the wife was not a competent witness to testify that in August, 1946, and prior to the marriage, the defendant forced her to go into the practice of prostitution by threats, etc., is thoroughly discussed in *United States v. Williams, supra*, as well as in the case of *United States v. Shores, supra*. Pointing out that to permit the wife to testify against her husband as to injuries to her morals during coverture but not as to such injuries occurring before coverture, the court would arrive at a very anomalous position; if defendant were married to the woman at the time of the offense she could testify against him, and if defendant and the woman were not married at the time of the offense and at the time of the trial she could testify against him, but if the woman were not married to him at the time of the offense but was at the time of the trial she could not testify against him. The cases holding to this anomalous rule go on the theory that some sort of forgiveness of the wrong to the wife may be assumed by the marriage; if the injured person desires to forget the matter and to live in a happy marital state with the one who injured her, there

is an aversion to requiring or permitting her to testify against her husband whom she has forgiven. This is readily understandable. The court further points out that when personal violence is used upon a woman she is the only one injured; society may be injured very rarely if at all, but such is not the case with injuries against the wife involving moral degradation.

The Mann Act, as has frequently been stated, was to protect "weak women from bad men" and that the purpose of the Congress would be thwarted if the woman's lips were sealed against a vicious and degraded man just because he may have induced the "weak woman" to marry him. "It seems sound, therefore, to conclude that, under the common law interpreted in light of modern experience, reason, and in the furtherance of justice, a woman may testify against her husband when he has transported her in interstate commerce for the purposes of prostitution in violation of the Mann Act, and this rule of evidence should apply whether the transportation occurred during or prior to coverture." (United States v. Williams, 55 F. Supp. 375, at page 380.)

Obviously, the purpose of our statute relating to procuring and pimping is, as is the Mann Act, to protect "weak women from bad men." The same reasoning applies to it as applies to the Mann Act and the purpose would better be served by permitting the woman to testify as to the acts forcing her into the practice of prostitution prior to marriage, particularly as the husband forced her con-

tinuance in such practice, and the subsequent marriage was apparently for the very purpose of attempting to obtain protection for the vicious man.

In conclusion therefore we hold that the famous exception for Necessity in case of injury to the spouse, as set forth in Lord Audley's Case, is equally applicable in securing the wife in her person and in protecting her against complete degradation as against a simple assault; that as stated by some of the decisions allowing a wife to testify against her husband who forced her into prostitution, it is within the spirit of the long-established rule of necessity to protect her against assault by her husband. (\* \* \* "the letter killeth, but the spirit giveth life.") Further, permitting testimony of a wife under such circumstances comes not only within the exception of Necessity set forth in Lord Audley's Case but actually comes within the wording of the territorial statute as "an offense against the person of his wife." It is difficult to conceive a more heinous offense against her person by a husband.

Though the decisions holding that the wife is competent to testify as to such offenses committed prior to coverture are more logical and reasonable than the ones to the contrary, it is not necessary to pass directly on this point as the evidence adduced showing offenses prior to coverture was not to charge the defendant with offenses at that time, which in fact would have been barred by the statute of limitations, but was evidence of the defendant's plan for putting this woman into prostitution and

that it also showed other crimes was merely incidental.

Judgment affirmed.

/s/ EDWARD A. TOWSE,

/s/ LOUIS LE BARON,

/s/ INGRAM M. STAINBACK.

Certified true copy.

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[Title of Supreme Court and Cause.]

### JUDGMENT ON WRIT OF ERROR

Pursuant to the opinion of the supreme court of the Territory of Hawaii, rendered and filed on July 2, 1952, the judgment of the lower court is affirmed.

Dated: Honolulu, Hawaii, July 11, 1952.

By the Court:

/s/ LEOTI V. KRONE,  
Clerk.

Approved:

/s/ INGRAM M. STAINBACK,  
Associate Justice.

Certified true copy.

[Endorsed]: Filed July 11, 1952.

[Title of Supreme Court and Cause.]

### APPEARANCE OF COUNSEL

Comes now, Thomas P. Gill, attorney at law, and hereby enters his appearance as counsel for William Lafayette Alford, defendant-plaintiff in error in the above-entitled cause.

Dated: At Honolulu, T. H., this 18th day of July, 1952.

/s/ THOMAS P. GILL.

Certified true copy.

[Endorsed]: Filed July 21, 1952.

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[Title of Supreme Court and Cause.]

### NOTICE OF APPEAL

1. Appellant: William Lafayette Alford, also known as Willie Alford, of 2334 North King Street, Honolulu, Territory of Hawaii.

2. Appellant's attorney: Thomas P. Gill, of 1736 Kalakaua Avenue, Honolulu, Territory of Hawaii.

3. Offense: Procuring.

4. On trial without jury, appellant was convicted in Circuit Court of the First Judicial Circuit and sentenced to five years imprisonment, which judgment was affirmed by the Supreme Court of the Territory of Hawaii in an opinion rendered on July 2, 1952, and a judgment entered on July 11, 1952.



5. The appellant is presently free on bail.

6. I, the above-named appellant, hereby appeal to the United States Court of Appeals for the Ninth Circuit from the above-entitled judgment.

Dated: At Honolulu, T.H., this 18th day of July, 1952.

WILLIAM LAFAYETTE  
ALFORD,

By /s/ THOMAS P. GILL,  
His Attorney.

Certified true copy.

[Endorsed]: Filed July 21, 1952.

---

[Title of Supreme Court and Cause.]

PETITION FOR APPEAL

To: The Honorable, the Chief Justice and the Associate Justices of the Supreme Court of the Territory of Hawaii:

Comes now William Lafayette Alford, Defendant and Plaintiff in Error herein, and deeming himself aggrieved by the judgment of the Supreme Court of the Territory of Hawaii made and entered on the 11th day of July, 1952, pursuant to the opinion and decision of said Court made and entered on the 2nd day of July, 1952, prays that an appeal may be allowed from said judgment to the United States Court of Appeals for the Ninth Circuit; that an order be made fixing the amount of a costs bond;

that a duly authenticated transcript of the record and proceedings upon which said decision and judgment were made be sent to the United States Court of Appeals for the Ninth Circuit; that a citation issue as provided by law.

Dated: At Honolulu, T.H., this 18th day of July, 1952.

WILLIAM LAFAYETTE  
ALFORD,

Defendant and Plaintiff in  
Error.

By /s/ THOMAS P. GILL,  
His Attorney.

Certified true copy.

[Endorsed]: Filed July 21, 1952.

---

[Title of Supreme Court and Cause.]

AFFIDAVIT IN SUPPORT OF  
JURISDICTIONAL AVERMENT

Territory of Hawaii,  
City and County of Honolulu—ss.

Thomas P. Gill, being first duly sworn on oath, deposes and says:

That he is the counsel of record for William Lafayette Alford, Plaintiff in Error in the above-entitled cause;

That a Federal constitutional question is involved herein in that Plaintiff-in-Error has been denied

the due process guaranteed to him by the Fifth Amendment to the Constitution of the United States in that he was convicted on a crime not charged in the Indictment and without evidence that he had committed the crime charged in the Indictment;

That from the entire record herein and particularly the decision of the Supreme Court of the Territory of Hawaii on the writ of error, it appears that the Supreme Court of the Territory of Hawaii committed manifest error as set forth in the Assignment of Errors on file herein.

This completes affiant's statement.

/s/ THOMAS P. GILL.

Subscribed and sworn to before me this 21st day of July, 1952.

[Seal] /s/ J. DONOVAN FLINT,  
Notary Public, First Judicial Circuit, Territory of  
Hawaii.

My Commission Expires June 30, 1953.

Certified true copy.

[Endorsed]: Filed July 21, 1952.

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[Title of Supreme Court and Cause.]

### ASSIGNMENT OF ERRORS

Comes now William Lafayette Alford, Defendant-Plaintiff in Error above named, by his attorney,

Thomas P. Gill, and files the following assignment of errors upon which he will rely in the prosecution of his appeal in the above-entitled matter from the judgment entered herein on July 11, 1952, dismissing his writ of error and affirming the judgment of the trial court:

#### Assignment No. I.

The Supreme Court of the Territory of Hawaii erred in upholding the conviction of appellant on the ground there was evidence to sustain an essential element of the charge, namely, that plaintiff in error did induce, compel, and procure a certain female named Edna Rodrigues Alford to practice prostitution during the various times set forth in the indictment, and thus plaintiff in error was deprived of due process of law in that he was convicted of a charge on which no evidence was submitted.

#### Assignment No. II.

The Supreme Court of the Territory of Hawaii erred in upholding the conviction of appellant on the ground that there was evidence to sustain an essential element of the charge, namely, that plaintiff in error did induce, compel, and procure a certain female named Edna Rodrigues Alford to practice prostitution during the various times set forth in the indictment, and that plaintiff in error was thereby denied due process of law in that evidence was received and he was convicted on a charge not made, namely, that he received money without consideration from the earnings of a woman engaged in prostitution.

## Assignment No. III.

The Supreme Court of the Territory of Hawaii erred in upholding the conviction of appellant on the ground that there was evidence to sustain an essential element of the charge, namely, that plaintiff in error did induce, compel, and procure a certain female named Edna Rodrigues Alford to practice prostitution during the various times set forth in the indictment, when the only testimony of such inducement, compelling, and procurement related to periods prior to the marriage between plaintiff in error and the complaining witness and were further of such date as to be barred by the Territorial statute of limitations.

## Assignment No. IV.

The Supreme Court of the Territory of Hawaii erred in upholding the conviction of appellant on the ground that there was evidence to sustain an essential element of the charge, namely, that plaintiff in error did induce, compel, and procure a certain female named Edna Rodrigues Alford to practice prostitution during the various times set forth in the indictment, when the only pertinent evidence submitted in the case was the testimony of the wife of the defendant who was not a competent witness under the laws of the Territory.

Wherefore, Plaintiff in Error prays that judgment and decision of this cause be reversed and the cause remanded with instructions to discharge the defendant.

Dated: At Honolulu, T. H. this 18th day of July,  
1952.

WILLIAM LAFAYETTE  
ALFORD,

Defendant and Plaintiff in  
Error.

By /s/ THOMAS P. GILL,  
His Attorney.

Certified true copy.

[Endorsed]: Filed July 21, 1952.

---

[Title of Supreme Court and Cause.]

COST BOND

Know All Men by These Presents:

That William Lafayette Alford, as principal, and Pacific Insurance Company, Ltd., as sureties, are held and firmly bound unto the Territory of Hawaii in the just and full sum of Two Hundred Fifty Dollars (\$250.00), legal currency of the United States, for the payment of which, well and truly to be made, we bind ourselves, our heirs, executors and administrators, firmly by these presents.

The condition of this obligation is such that:

Whereas, the above-bounden principal, William Lafayette Alford, has filed his petition for appeal from the Supreme Court of the Territory of Hawaii to the United States Court of Appeals for the Ninth Circuit from the judgment of said Supreme Court entered on the 11th day of July, 1952, and

the decision rendered on the 2nd day of July, 1952.

Now, therefore, if said principal shall prosecute his appeal with effect and answer for all costs, if he fails to sustain said appeal, then this obligation shall be void, otherwise it remains in full force and effect.

Sealed with our seal and dated at Honolulu, Hawaii, this 21st day of July, 1952.

/s/ WILLIAM LAFAYETTE  
ALFORD,  
Principal.

PACIFIC INSURANCE CO.,  
LTD.,

By /s/ CALVERT G. CHIPCHASE,  
Surety.

[Stamped]:

/s/ EDWARD A. TOWSE,  
Chief Justice Supreme Court of the Territory of  
Hawaii.

Territory of Hawaii,  
City and County of Honolulu—ss.

On this 21st day of July, in the year one thousand nine hundred and fifty-two, before me personally appeared Calvert G. Chipchase to me personally known, who being by me duly sworn, did say that he is the Attorney-in-Fact of Pacific Insurance Company, Limited, duly appointed under Power-of-Attorney dated the 27th day of May, A.D. 1952, which Power-of-Attorney is now in full force and

effect, and that the seal affixed to said instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation, and said Calvert G. Chipchase acknowledged said instrument to be the free act and deed of said corporation.

/s/ MARY ZUIS,

Notary Public, First Judicial Circuit, Territory of  
Hawaii.

My Commission Expires May 31, 1955.

Certified true copy.

[Endorsed]: Filed July 21, 1952.

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[Title of Supreme Court and Cause.]

### ORDER ALLOWING APPEAL

Upon reading the petition filed herein by Defendant-Plaintiff in Error above named for allowance of an appeal and it appearing that Notice of Appeal, together with a good and sufficient bond in the sum of \$250.00 has been filed,

It Is Hereby Ordered that the appeal in the above-entitled cause be and the same is hereby allowed; and

It Is Further Ordered, that all further proceedings in this Court be, and they are hereby, stayed pending the disposition of this appeal.



Dated: At Honolulu, T. H., this 21st day of July, 1952.

[Seal] /s/ EDWARD A. TOWSE,  
Chief Justice Supreme Court of the Territory of Hawaii.

Certified true copy.

[Endorsed]: Filed July 21, 1952.

---

[Title of Supreme Court and Cause.]

CITATION

The Territory of Hawaii,

To Defendant in Error above named, and to Alan R. Hawkins, Esq., Public Prosecutor of the City and County of Honolulu, Territory of Hawaii, its Attorney:

You Are Hereby Cited to Appear in the United States Court of Appeals for the Ninth Circuit in the above-entitled matter within forty (40) days from the date hereof.

Dated: At Honolulu, T. H. this 21st day of July, 1952.

[Seal] /s/ EDWARD A. TOWSE,  
Chief Justice Supreme Court of the Territory of Hawaii.

Certified true copy.

[Endorsed]: Filed July 21, 1952.

[Title of Supreme Court and Cause.]

PRAECIPE FOR TRANSCRIPT OF RECORD

To the Clerk of the Above-Entitled Court:

You will please prepare transcript of record of this cause to be filed in the Office of the Clerk of the United States Court of Appeals for the Ninth Circuit, and include in said transcript the following pleadings and papers on file, to wit:

1. Indictment.
2. Instructions as given by the Court.
3. The verdict.
4. The transcript of the evidence at the trial.
5. Opinion and decision of the Supreme Court of the Territory of Hawaii.
6. Judgement of the Supreme Court of the Territory of Hawaii.
7. Notice of Appeal.
8. Petition for Appeal.
9. Affidavit in support of jurisdictional averment.
10. Assignment of errors.
11. Cost bond.
12. Order allowing appeal.
13. Citation.
14. Praecipe for transcript of record.

15. Statement of points relied upon and designation of record.

Dated: At Honolulu, T. H., this 18th day of July, 1952.

WILLIAM LAFAYETTE  
ALFORD,

Defendant and Plaintiff in  
Error,

By /s/ THOMAS P. GILL,  
His Attorney.

Certified true copy.

[Endorsed]: Filed July 21, 1952.

---

[Title of Supreme Court and Cause.]

#### ACKNOWLEDGMENT OF SERVICE

Receipt from Thomas P. Gill, attorney for Defendant-Plaintiff in Error above named, of the following filed in the Supreme Court of the Territory of Hawaii in the above-entitled cause is hereby acknowledged:

1. Notice of Appeal.
2. Petition for Appeal.
3. Affidavit in support of jurisdictional averment.
4. Assignment of Errors.
5. Cost Bond.
6. Order Allowing Appeal.
7. Citation.

8. Praeceptum for Transcript of Record.

Dated: At Honolulu, T. H., this 22nd day of July, 1952.

TERRITORY OF HAWAII,  
Defendant-in-Error.

By /s/ ROBERT E. ST. SURE,  
Ass't Public Prosecutor of the City and County of  
Honolulu, Territory of Hawaii.

Certified true copy.

[Endorsed]: Filed July 24, 1952.

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In the Circuit Court of the First Judicial Circuit  
Territory of Hawaii

Cr. No. 23057

TERRITORY OF HAWAII,

vs.

WILLIAM LAFAYETTE ALFORD,  
Defendant.

TRANSCRIPT OF PROCEEDINGS

Appearances:

JAMES KAMO, ESQ., and  
T. KITAOKA, ESQ.,

Assistant Public Prosecutors for the Terri-  
tory;

DAVID H. MARSHALL, Esq.,  
Counsel for the Defendant.

Wednesday, April 25, 1951

Present: Honorable Jon Wiig, Fifth Judge, Presiding.

JAMES KAMO, ESQ., and

T. KITAOKA, ESQ.,

Assistant Public Prosecutors,  
for the Territory;

DAVID H. MARSHALL, ESQ.,

Counsel for Defendant;

DEFENDANT, in person.

(The Clerk called the case.)

Mr. Kamo: Ready for the Territory.

Mr. Marshall: Ready for the defendant.

The Court: It is my understanding, Mr. Marshall, that the defendant is waiving his right to a jury trial in this case?

Mr. Marshall: That's right, your Honor.

The Court: You may proceed.

Mr. Kamo: In this case, your Honor, William Lafayette Alford is being charged on five separate counts for procuring. He has been charged under that section of the statute under which it is alleged he has received the proceeds from a prostitute without any consideration. The Government's witness in this case is Mrs. William Lafayette Alford. May I have Mrs. Alford?

## MRS. EDNA RODRIGUES ALFORD

called as a witness for and on behalf of the Territory, being first duly sworn, testified as follows:

## Direct Examination

By Mr. Kamo:

Q. Will you state your full name, please? [3\*]

A. Mrs. Edna R. Alford.

Q. You are also known as Edna Rodrigues Alford?

A. Yes.

Q. Where do you live now?

Mr. Marshall: May it please the Court, at this time I object to any testimony being given by this witness against this defendant. I would like permission of the Court to argue the matter.

The Court: Very well.

Mr. Marshall: I will enter into a stipulation on behalf of the defendant that these parties are at the present time legally married.

Mr. Kamo: We so stipulate. May I have Mrs. Alford off the stand for a while?

Mr. Marshall: Surely.

(Whereupon the witness, Mrs. Edna Rodrigues Alford, left the witness stand.)

(Argument by both counsel.)

The Court: The Court will take a short recess to check the authorities.

(Recess.)

The Court: On checking the statute, the one under consideration, in the case in 10 Hawaii, I

\*Page numbering appearing at foot of page of original Reporter's Transcript of Record.

find that the statute as amended in 1927 added the words now appearing in the statute, "and in such cases in which the accused is charged with the commission of an offense against the person of his wife," so that anything that was said in 10 Hawaii I think was affected by that amendment when the statute was brought up to date, so to speak, so as to permit [4] the wife to testify in cases where there had been an offense against her person. I do not know whether this is an enlightened view, or the proper view, but it is the view this Court is going to take. Where the defendant is charged with procuring and pimping under our statute I feel it is an offense against the person of the wife, and feel she is competent to testify against the husband where he is on trial for that offense, and will permit Mrs. Alford to testify.

Mr. Marshall: May we have an exception.

The Court: Yes, Mr. Marshall.

Mr. Marshall: May it please the Court, at this time I respectfully ask for a continuance in the trial of the case in chief. My reason for that is, I was informed and had reason to believe that Mrs. Alford would decline to be a witness for the Government. I was informed since coming to Court this morning that Mr. Alford apparently now believed she is not going to avail herself of her absolute right to refuse to testify. He now tells me that he has some papers at home which he secured from George Mills, which will have considerable bearing on the case. I would also like an opportunity, in view of what he has told me this morning, to sub-

poena Mr. Mills. I would like a day or two, whatever the Court would allow me, to do some spade work on this.

The Court: Those are matters which you will need in defense, or matters you will need to examine before you could properly cross-examine witnesses for the Governmnt?

Mr. Marshall: That is exactly right. It relates more to cross-examination than anything else. I would be glad at this time to make an offer of proof to the Court so [5] the Court will know what I have in mind.

The Court: I would like to know what you have in mind.

Mr. Marshall: The charge here is that the defendant coerced his wife into acts of prostitution, and that he received certain money that she was able to make in this fashion. I understand from what the defendant tells me this morning, we are in a position to prove that Mrs. Alford engaged in prostitution in Hilo during 1950 while he was on the Island of Oahu; that she had an associate over there, had an association with an individual known as Mr. Mills, and that she was, I believe, arrested and convicted and sentenced over there for the offense. I think that will have considerable bearing on whether or not this woman is just a common prostitute because she wants to be a prostitute, or whether she was coerced into becoming a prostitute by her husband. In other words, her prostitution isn't binding on this man unless he forced her to become a prostitute and lived on her earnings.



The Court: That was the position taken by other counsel in other cases, and I am not too sure it is right, Mr. Marshall. I may be wrong in my construction of the statute. My idea is that the offense consists of inducing, compelling or procuring a person to act as a prostitute, to practise prostitution, and thereby to obtain and secure from her a portion of the gains earned by her during the times alleged in the indictment. I do not feel that under this statute the defendant has to beat up a person in order to make her practise prostitution, or to exercise or to compel [6] by force, or the use of drugs, or some such thing. I may be wrong, but it is my understanding of the statute that it is the inducing, compelling and procuring, or any of them, whereby the procurer or the pimp obtains a portion of the ill-gotten proceeds. I may be wrong on that.

Mr. Marshall: No, your Honor, I agree, but this man is no Svengali. He is unable to stay on Oahu and induce this woman to perform certain acts on the Island of Hawaii. I think the very fact that she was over there apparently on her own volition practising prostitution would be some evidence that it was her own free act and deed rather than anything induced by this man in the hopes of gaining any of the proceeds. I feel it would be very prejudicial to the defendant's case. I regret the position I am in not having this information until this morning, although I have had repeated conferences with the defendant. I would like a short period to be better prepared on this particular point.

The Court: What do you have to say on that, Mr. Kamo?

Mr. Kamo: As I have made a brief statement earlier I had singled out those portions of the statute which the Court has reiterated. We are not charging Mr. Alford with forcibly driving Mrs. Alford into prostitution, but under that portion of the section which is separated by a semicolon, he has received the proceeds from Mrs. Alford, a portion of the earnings which she made practising prostitution. I do not think the material factor in this case is his forcing her into prostitution for the first time, we are not saying she wasn't one and she became one for the first time, merely [7] the fact on these five counts, ranging from October, 1949, to August, 1950, that he had received proceeds from Mrs. Alford knowing she got this from prostitution. I would like to proceed with my case in chief. If the material that Mr. Marshall is going to get has anything to do with my case, he has just indicated he needed it for cross-examination of Mrs. Alford, I would be willing to put Mrs. Alford back on the stand again at that time, and have Mr. Marshall cross-examine further, if he so desires. I have some other witnesses outside, from the Hawaiian Airlines and the Police Department, who would like to testify now. We have subpoenaed them to be here this morning, and they are here. If their testimony can come in now, and if Mrs. Alford's examination in chief can come in now, and reserve the cross-examining part of it, I have no objection. I would like to proceed, if possible, with the case now.

The Court: Is the testimony of the other wit-

nesses more or less formal testimony, that is the witness from the Hawaiian Airlines?

Mr. Kamo: Yes, and Bonifacio Bongalon. He is an inmate of Oahu Prison. We would like to have him make one statement, as to one portion of the testimony which corroborates Mrs. Alford's testimony. It is a matter of corroboration.

The Court (To Mr. Alford): Where do you live, Alford?

Mr. Alford: Your Honor, I live at Kamohoalii Road, Kalihi Tract.

The Court: You have those documents up [8] there?

Mr. Alford: I have them at my house, yes.

The Court: Why didn't you show them to your attorney before?

Mr. Alford: I didn't think, your Honor, Judge, I didn't think it was necessary to pick them up and bring them down.

The Court: Do you think, Mr. Marshall, you would have time, if we continued this matter until 1:30 this afternoon, to get this information and proceed? I would rather have an orderly presentation in the way the Prosecutor planned his case rather than piecemeal.

Mr. Marshall: We will be ready to go on at 1:30, your Honor.

The Court: Very well, this case will be continued until 1:30 this afternoon.

(10:15 a.m. Court recessed until 1:30 p.m.)

Wednesday, April 25, 1951, 1:30 P.M.

(All parties being present as before, the following further proceedings were had and testimony adduced:)

The Court: Have you had time, Mr. Marshall, to make the investigation you desired?

Mr. Marshall: Yes, your Honor.

The Court: Are you ready to proceed?

Mr. Kamo: Yes, your Honor. [9]

Mr. Marshall: At this time I ask permission of the Court to ask the complaining witness a few preliminary questions. I would like to be satisfied that the evidence from her is voluntary.

The Court: Any objection, Mr. Kamo?

Mr. Kamo: Yes, your Honor. In a sense I believe Mr. Marshall is trying to say she should be warned of her constitutional rights, and she need not testify to anything that might tend to incriminate her.

Mr. Marshall: No. I may lead to that. It is not the main purpose.

Mr. Kamo: If it is something to do with that, that is for the witness herself to decide whether she wishes or does not wish to testify. The Court can advise her as to that. If Mr. Marshall is going to treat her as his witness and claim her right——

Mr. Marshall: That is not the purpose of this examination.

The Court: What is the purpose?

Mr. Marshall: If we had a situation here of say a confession that was made under duress, or under

fear, it would be inadmissible. I have information that leads me to believe that Mrs. Alford is testifying against her husband, Willie Alford, due to duress and threats made by certain members of the Honolulu Police Department.

Mr. Kamo: That is not true. I definitely object on two grounds, one that that factor could be brought out on cross-examination. It is a direct accusation on the [10] Office of the Public Prosecutor that we are using this method of getting the witness to testify, which I assure you is not the case.

The Court: We will stop right here, and I will warn the witness as to her constitutional rights, then any matters which Mr. Marshall wishes to bring out on cross-examination he may bring it out at that time. (To Mrs. Alford): Mrs. Alford, you are aware of the fact that you do not have to give any testimony that might tend to incriminate you?

Mrs. Alford: Yes, sir.

The Court (To Mrs. Alford): You know what that means?

Mrs. Alford: Yes, sir.

The Court (To Mrs. Alford): You do not have to give any testimony which might degrade you, that is a privilege only you can claim, you understand that?

Mrs. Alford: Yes, sir.

The Court (To Mrs. Alford): Do you know why you are here today?

Mrs. Alford: Yes.

The Court (To Mrs. Alford): That is to testify.

Mrs. Alford: To testify.

The Court (To Mrs. Alford): You have thought the matter over, and are willing to testify?

Mrs. Alford: Yes, your Honor.

The Court: Very well, you may proceed.

**MRS. EDNA RODRIGUES ALFORD**

resumed the witness stand, having been heretofore duly sworn, and testified further as follows:

**Direct Examination**

By Mr. Kamo:

Q. You are Mrs. William Lafayette Alford, is that right? A. Yes, sir.

Q. You are also known as Edna Rodrigues Alford? A. Yes, sir.

Q. Mrs. Alford, do you know of one by the name of William Lafayette Alford? A. Yes.

Q. Mr. Alford is sitting in this courtroom?

A. Yes.

Q. Point him out to us.

A. (Witness indicates the defendant, William Lafayette Alford.)

Q. Indicating the gentleman sitting to the right of Mr. Marshall, the defendant in this case?

A. Yes.

Q. You are the wife of Mr. Alford?

A. Yes.

Q. The defendant in this case?

A. Yes, sir, that's right.

Q. How long have you been married to William Lafayette Alford, Mrs. Alford?

A. I have been married to Willie Alford since December 23, 1948, up to '49.

(Testimony of Edna Rodrigues Alford.)

Q. How long before that had you known Mr. Alford? [12]

A. I have known Alford since 1946.

Q. Do you know about what month it was that you first met Mr. Alford?

A. Yes, it was March.

Q. March of 1946? A. That's right.

Q. At that time where were you employed?

A. I was employed at the Combat Cafe on Hotel Street. The address there I don't know.

Q. As a waitress? A. As a waitress.

Q. Where was Mr. Alford working?

A. He was working opposite the place I was working, Club 121.

Q. What was he doing there?

A. He was a soda jerk.

Q. How did you happen to meet Mr. Alford?

A. By him coming in every morning, or in the morning, and have dinner there and breakfast, and we got acquainted through a friend of mine, right there, through a friend who worked where I was working.

Q. After you met Mr. Alford and up to the time, December 23, 1948, when you got married, were you very good friends with him, or just casual friends?

A. We were already good friends.

Q. Good friends? A. Yes, sir.

Q. Did you live with Willie Alford before you were married to him? A. Yes, sir. [13]

Q. When was this that you started to live with Mr. Alford? A. '46 to '47.

(Testimony of Edna Rodrigues Alford.)

Q. '46? A. Yes.

Q. About what month was it?

A. After I was working at the Combat Cafe.

Q. Then after you started staying with Mr. Alford did you continue to work as a waitress at the Combat Cafe? A. No.

Q. You had already quit working there?

A. Yes.

Q. When you had quit your work was Mr. Willie Alford still at Club 121? A. No.

Q. Was he employed at all?

A. No, not at all.

Q. How did you and Mr. Alford live during that period of time?

A. I had a little earnings from what I made at the Combat Cafe, and for enough that month. That first month that is what we were living on. The following month, or August 13th, that is when he persuaded me to go to the practise of prostitution.

Q. When you say Mr. Alford persuaded you to go into prostitution, what do you mean by that exactly, what did he do to persuade you?

A. Well, he was angry. By talking to me at first and [14] calling me names, and if I don't do what he says he knows of ways of handling a woman like me.

Mr. Marshall: I am sorry, I did not get that answer.

The Court: You will have to speak a little louder, Mrs. Alford, please.

A. If I don't do what he says he will bust my



(Testimony of Edna Rodrigues Alford.)

face. That he has ways of handling a woman like me. That is what he said.

Q. What was it then he told you to do?

A. To go ahead and practise as a prostitute.

Q. Practise prostitution? A. Yes, sir.

Q. This, Mrs. Alford, was said to you before you were married? A. Yes, sir.

Q. You testified in effect that he said that he has a way of treating women like you, is that right?

A. That's right.

Q. Did you understand what he meant by that?

A. Not clearly. I did not understand him at first. Then in a little while when we started arguing, we had an argument before I started to work, naturally I just had to go out because he was calling me names, and said if I don't do anything he would bust the side of my head.

Q. He said he would bust the side of your head?

A. Yes, sir.

Q. Were you afraid of him? [15]

A. I was afraid that night. What could I do? I just go ahead and do what he asked me to.

Q. When you said you went ahead and did what he wanted you to do, tell the Court how you went about the practise of prostitution?

A. He made a contact with a Filipino boy that I don't know. He made a contact for me to meet this fellow at a certain place up Kalihi Valley.

Q. Did you meet that fellow? A. Yes, sir.

Q. Where did you meet him?

A. Somewhere on Liliha Street, and from there we proceeded to Kalihi Valley.

(Testimony of Edna Rodrigues Alford.)

Q. Who took you to Liliha Street?

A. The Filipino boy.

Q. The Filipino boy? A. Yes, sir.

Q. You don't know who he is?

A. I don't know his name.

Q. Did this Filipino boy know your husband?

A. Yes, they knew each other.

Q. Then when you went to Kalihi Valley, or in that area, did you carry on prostitution?

A. Yes, sir.

Q. You earned some money?

A. Yes, I did.

Q. Do you remember approximately how much it was, \$5.00, \$10.00, \$1.00? [16]

A. It was \$10.00, sir, for each person.

Q. \$10.00 per person?

A. \$10.00 for each person.

Q. How much did you earn that night?

A. I earned \$100.00 that night.

Q. That is ten men at \$10.00 per man?

A. Yes, sir.

Q. What did you do after you were through?

A. After I was through working I went home and gave the money to William Alford.

Q. Where were you living at that time?

A. We were living at 1130 Maunakea Hotel. That is on Maunakea Street, 1130.

Q. Now, that was on what day?

A. It was August 13th.

Q. 194—— A. 1946.

Q. From that day, up to and including the day

(Testimony of Edna Rodrigues Alford.)

of your marriage, did you continue your prostitution?      A. Yes, sir.

Q. Was Mr. Alford working at any place during that period?

A. He was working then at the Honolulu airport as a bell hop for three months, 1948—no was '47, I guess. It was for three months, and he had a fight there and he was discharged from that time.

Q. From this time up to your marriage did you at any time attempt to get away from Mr. Alford, or try to get away from this game called prostitution?      A. Yes, I did. [17]

Q. When was that?

A. That was July, the date I am not certain, 1948, it was, and we were living at the Palama Hotel, Palama District, and I ran away that evening. Before we moved to the Palama Hotel we were staying at Kalihi Street, then I ran away that evening. I stayed that night with my aunt in Wai-pahu. The following morning I came down to pick up my clothes, and I met Willie Alford on the street in the Palama District. He begged me to come back to him, and if I would come back to him he will promise he will never make me go back in this prostitution, that he will work and support me. That is the promise he made, but it didn't go through after one month.

Q. It didn't go through?      A. Yes.

Q. What happened?

A. The usual thing, we quarreled about money, that he didn't have any money in his pocket and the

(Testimony of Edna Rodrigues Alford.)

rest of his friends in town were driving around in nice cars with their pockets full of money all the time, why don't you go ahead and do something about it, so I didn't care.

Q. At any time did he manhandle you?

A. That was '46 and '47.

Q. What did he do to you?

A. In '46—I guess '47, that was on Pauahi Street, I was hit on the two sides of my cheeks. That was New Year's Eve.

Q. What caused it? [18]

A. He had a few drinks. We just quarreled, and that ended by his bringing up about money, about earning some money.

Q. Before you went into prostitution did Mr. Alford promise you anything?

A. Oh, yes, lots of things. He said I would have nice clothes, a home, car, jewelry, and things like that.

Q. Did you receive any of these things?

A. Well, I had a car, but I didn't have the pleasure to own that car under my name. It would always be under his name.

Q. Under Mr. Alford's name? A. Yes, sir.

Q. Now, every time you made some money up to the time you were married, did you hand that money over to Mr. Alford? A. That's right.

Q. This money you earned was from prostitution? A. Yes, sir.

Q. After your marriage to him did you continue in prostitution? A. Yes, sir, that I did.

(Testimony of Edna Rodrigues Alford.)

Q. Where were you living?

A. We were living on Palama Street, Palama Hotel. That is when we were married in 1948. From there to 1614 Kamohoalii Road, where he is living now.

Q. Did Mr. Alford say anything about your going out to practise prostitution, being a prostitute, after you were married? [19]

A. Yes, he did.

Q. Did he encourage or discourage you?

A. He encouraged me to go right ahead, he said there was no harm in doing it.

Q. Your prostitution was carried on on this Island?

A. I went to the other Islands too.

Q. What other Islands did you go to?

A. Lanai and Hilo. Mostly up in Hilo.

Q. Did you go to Kauai?

A. I did go to Kauai, Molokai.

Q. Did you practice prostitution on those Islands?

A. Yes, and this Island too.

Q. Mrs. Alford, you know that Mr. Alford is being charged under five counts of having received money from you which you earned from prostitution?

A. Yes.

Q. For which he is being tried today?

A. Yes, sir.

Q. I would like to take you back, bring you up to date, on or about October of 1949, do you recall whether you were practising prostitution about that time?

A. Yes, sir, I was.

Q. You were a prostitute then?

A. Yes, sir.

(Testimony of Edna Rodrigues Alford.)

Q. Where were you practising, was it on this Island or some other Island?

A. I was working at Hilo, Hawaii, sometimes.

Q. Hilo sometimes? A. Yes. [20]

Q. Were you living in Hilo with Mr. Alford, or were you just making trips to Hilo?

A. Just making trips to Hilo.

Q. Mr. Alford was living here in Honolulu?

A. Yes.

Q. You considered your home to be on Oahu?

A. Yes, sir.

Q. When you made those trips to the other Islands how long a period did you usually stay?

A. I usually stayed two or three weeks, two months, three months at the most.

Q. Sometimes you stayed just about a week?

A. Two weeks.

Q. How did you determine the time when you should return?

A. When I returned there, I know about when the plantations are being paid, and when I go back I usually go back on the 3rd or the 4th of the month and come back here again following up the end of the month, and then go back again the first or second week of the next month.

Q. And when you stayed on the other Islands, when you stayed two or three months, did you stay there because business is good or bad, or for what reason?

A. I stayed there for the three months because it is good.

Q. If you stayed there for a period of two

(Testimony of Edna Rodrigues Alford.)

months, three months, or even two weeks, what did you do with the money you have made while on that Island?

A. I always sent the money to Willie [21] Alford.

Q. What?

A. I always sent the money to Willie Alford.

Q. Why did you send the money to Willie Alford?

A. He would write to me, he would need some money—if I don't mind sending him the money. If I made some money to send it right away to him. I would also write to him right away and send it special delivery.

Q. How did you send the money to Willie Alford?

A. He told me to have the money folded up double in my envelope and mark it special delivery, and that is how I sent it.

Q. And the contents of your letter was with reference to the money?      A. Yes, sir.

Q. What else, if anything, did you refer to in the letter?

A. Nothing else. I didn't have anything more to write to him, just sent the money and say, "Hello, here is the money I am sending. I hope you receive it." That's all.

Q. Was this sent by air mail or boat mail?

A. Air mail.

Q. Registered letter or special delivery?

A. Special delivery.

(Testimony of Edna Rodrigues Alford.)

Q. Why did you send it special delivery?

A. That is what he wants me to do.

Q. Mr. Alford told you to send all the money by special delivery?      A. Special delivery.

Q. Do you know whether Mr. Alford had received any of [22] the money or not?

A. Yes, he did.

Q. You do know he got the money?

A. Yes.

Q. Edna, how do you know Mr. Alford had received the money?

A. Because he would write to me back that he had received the money what I had sent him.

Q. He would write to you?      A. Yes, sir.

Q. Every time you would send him money he would write a letter like that to you?

A. Yes, sir.

Q. Do you have those letters with you?

A. No, sir, that I do not have. Willie Alford destroyed all those letters.

Q. Mr. Alford destroyed the letters?

A. Mr. Alford destroyed what I wrote to him saying that I would send the amount of money, and a certain book that was in my suitcase. I had all the proof, the dates and months, the month and the money I have made for pretty nearly four years.

Q. Are you testifying that it was your practice to keep a note book?      A. Yes, sir.

Q. In which you recorded the amounts you earned?

A. The amount I earned, and the amount of



(Testimony of Edna Rodrigues Alford.)

trips I made to the other Islands, the amount I made over here. [23]

Q. Did you record in it the amounts you sent to Mr. Alford also?

A. I recorded June 13th and 23rd.

Q. Other than the specific date that you recall now, every time you sent letters or money to Mr. Alford, did you make it a point to record it in this book?

A. Yes, sir.

Q. When you said the amount of trips you made, do you intend to tell the Court that you recorded, let us say, five trips in the month of July, or actually put down the date when you actually left Honolulu?

A. Actually put the date down when I left Honolulu, and when I come back from the other Islands.

Q. When you stop practising prostitution?

A. I stopped practising prostitution on September, 1950.

Q. 1950? A. That's right.

Q. From October, 1949, to September of 1950 were you practising prostitution as you have just testified?

A. Yes, sir.

Q. You were going to the different Islands?

A. Yes, sir.

Q. You were sending the money to Mr. Alford?

A. That's right, sir.

Q. Now, your fare to the other islands, plane fare, did you buy the tickets yourself, or did Mr. Alford buy them for you?

A. Mr. Alford would make appointments for me.

Q. Make what? [24]

(Testimony of Edna Rodrigues Alford.)

A. Make appointments for the trip, and he sometimes picks it up, sometimes we pick up the ticket together. All I have to do is go to the airport. He brings me to the airport and I take the plane.

Q. By what airline did you usually go?

A. Hawaiian Airlines.

Q. On your return trip, did you buy the ticket, or did Mr. Alford buy any tickets?

A. I have to buy my own ticket.

Q. And this ticket that you bought was it bought out of money you had taken from here from prostitution, or from money you earned from prostitution on the other Islands?

A. From my practising of prostitution.

Q. Usually when you leave Honolulu for the other Islands do you take any money with you?

A. Sometimes I will take \$5.00, sometimes I don't have but a dollar in my pocket book. I have to practise as a prostitute here in order to have some money to go with me over to the other Islands, and leave him some money for spending.

Q. Does he give any of this money to you after you have earned it in the practise of prostitution, after you earned this money does he give you spending money?

A. The amount he gave me was \$20.00 for my spending money.

The Court: A month?

The Witness: A week, sometimes. [25]

Q. By what Airline did you usually go to the other Islands?

(Testimony of Edna Rodrigues Alford.)

A. Hawaiian Airlines. I only flew TPA once to Kauai.

Q. The rest of the time Hawaiian Airlines?

A. Yes.

Q. When you returned from the other Islands, Mrs. Alford, did Mr. Alford meet you at the airport?

A. Yes, sir.

Q. He was waiting for you? A. Yes.

Q. How did he know when you were coming back?

A. He would tell me to write him as soon as I am getting back and he will meet me at the airport.

Q. Going back to the months of October, November and December of 1949, you testified you were practising prostitution?

A. Yes, sir.

Q. And for those three months do you know on what Island you were?

A. I was on the Island of Hawaii, at Hilo, October, November, December.

Q. Of 1949? A. 1949.

Q. Did you come back to Honolulu during those three months, or stay there all of the time?

A. I stayed three months, and returned December, 1949.

Q. Do you recall whether you had sent Mr. Alford any money or not during that time?

A. Yes, I did, but I don't recall the date on that year. [26]

Q. Do you know whether you had sent him any money in October, 1949?

A. I do.

Q. November, 1949? A. I do.

(Testimony of Edna Rodrigues Alford.)

Q. December?

A. December, that is when I came back. October, November.

Q. About how often did you send money to him?

A. I usually send twice a month, sir.

Q. Twice a month? A. Yes, sir.

Q. Were there times when you sent it more often? A. No.

Q. Usually twice a month? A. Yes, sir.

Q. When you were there during the months of October, November and December, where were you staying, at a hotel?

A. I was staying at Bonifacio Bongalon's apartment.

Q. During those three months, October, November, December, when you sent the money to Mr. Alford, do you recall whether he had acknowledged receipt of such money—did you receive letters from him saying he had received the money?

A. Yes, yes.

Q. Taking you to February, 1950, do you recall where you were?

A. I left Honolulu February 3rd for Hilo. I returned to Honolulu from Hilo on February 26th.

Q. Then you didn't stay a full month in Hilo?

A. No.

Q. You left on the 3rd and returned on the [27] 26th? A. Yes, sir.

Q. During that month you were also practising prostitution?

A. Practising prostitution, yes, sir.

(Testimony of Edna Rodrigues Alford.)

Q. You sent money to Mr. Alford?

A. Yes, I did.

Q. Do you know about how much, and when you sent the money to Mr. Alford during that month?

A. There was February 11, 17 and the 25th, amounting to \$250.00 that month.

Q. You went there on February 3rd, and about a week later you sent him some money?

A. Yes.

Q. About how much?

A. I would send him \$100.00 first in one week.

Q. And February 17th?

A. 17th and the 26th.

Q. During the month of February you had sent him money about once every week? A. Yes.

Q. About \$100.00 each time? A. Yes.

Q. \$300.00 altogether?

A. That was \$250.00 for that month.

Q. One time you just sent \$50.00?

A. Yes, sir.

Q. And Mr. Alford acknowledged receipt of this money? A. Yes, sir.

Q. Did you send it all special delivery, as you testified? A. Always special delivery. [28]

Q. Now, on count No. 3 Mr. Alford is being charged with receiving money during the month of March, 1950? A. Yes, sir.

Q. Will you testify as to that month?

A. I left Honolulu for Hilo March 3rd, and returned to Honolulu from Hilo March 25th, and on March 10th and 18th and 22nd I sent Willie Alford

(Testimony of Edna Rodrigues Alford.)

\$300.00 for that month, practising as a prostitute.

Q. This also was sent by special delivery?

A. Special delivery.

Q. You received letters from Mr. Alford?

A. I received letters from Mr. Alford.

Q. Taking you to April, 1950?

A. I left Honolulu for Lanai on April 4th, and from Lanai I left for Hilo April 10th. April 7th I sent Willie Alford \$45.00 and kept \$100.00 for myself.

Q. On April 7th you sent the money from where?

A. From Lanai.

Q. You were on Lanai for about a week then?

A. Yes, sir.

Q. When you left Lanai you did not return to Honolulu, but went to Hilo?      A. Yes.

Q. How long did you stay in Hilo?

A. Until July 15th, sir, from April until July 15th, until I returned here July 15th to Honolulu.

Q. During the month of April, 1950, did you send money to Mr. Alford from Hilo? [29]

A. Yes, sir, that was on April 14th and 28th I sent \$250.00.

Q. \$250.00?      A. Yes, sir.

Q. And May?

A. May 13th and May 23rd and 28th I sent him \$450.00.

Q. Then during the month of June?

A. June—no, May I sent him \$300.00. It was June I sent \$450.00, June 10th, June 13th, I had the dates mixed, June 13th, 23rd and 28th, that is when I sent \$450.00

(Testimony of Edna Rodrigues Alford.)

Q. Each time you sent Mr. Alford money it was in denominations of \$100.00 or \$150.00?

A. \$100.00, \$150.00, sir.

Q. While you were on these other Islands did you keep any of the proceeds from prostitution for yourself?

A. I kept about \$20.00 for myself and buy things that I wanted, that's all.

Q. Food and things like that?

A. Yes, sir.

Q. Let's limit ourselves to Hilo, when you were in Hilo did you mail the letters to Mr. Alford from the Hilo Post Office?

A. Yes.

Q. How did you go to the Hilo Post Office?

A. I had Mr. Bongalon take me, because he was a taxi driver. I would call him and make him drop me off at the Hilo Post Office, and he knew, he would know about it. I told him that I was sending Willie Alford some money [30] that he wants. He is the person that knows that I sent William Alford that money by special delivery.

Q. For the period of 1949, 1950, for almost a year you seem to have been rather definite about the dates on which you sent the money——

A. Yes, sir.

Q. Is this because of your having written it down in a note book, or for any other reason?

A. No, because I had that all written down in a note book.

Q. And all that was written down in your note-book?

A. Yes, sir.

(Testimony of Edna Rodrigues Alford.)

Q. When you talked to the police officer in 1950, did you talk to the police officer about those things?

A. Yes.

Q. That was when?

A. September 23rd I returned from Hilo, that evening, the same evening that I was taken from the jail of Hilo, Hawaii.

Q. You reported to the police officer here?

A. Reported directly to the police station.

Q. These dates you have testified to, did you report those to the police officer? A. Yes.

Q. When you talked to the police officer with reference to these dates were they fresh in your memory?

A. Yes, sir, they were still fresh in my memory.

Q. After you had talked to me you did read your statement which you had made to the police officer, did you not? A. Yes, sir. [31]

Q. And that statement refreshed your memory?

A. Yes, sir.

Q. Now, you say you came from the police station, or jail, in Hilo, in September, 1950?

A. Yes, sir.

Q. What happened there?

A. I was picked up on account of practising prostitution. I couldn't raise the fine. That fine on me by Judge Olds was \$150.00 when I was picked up as a prostitute there in Hilo, Hawaii, on September 15th, 1950, and I was charged and given sentence, thirteen months' suspended sentence. When I was picked up, then a week I was in jail



(Testimony of Edna Rodrigues Alford.)

after that because I couldn't raise the money, and I had called up to William Alford saying "send me \$150.00," and he sent word to me "Why don't you tell your friends to help you out," so I didn't bother him about it any more. That was the reason I was in jail for five days in Hilo County.

Q. Did Mr. Alford at any time send you the \$150.00?

A. Yes, a week after that he had sent it on. A TPA pilot brought it to the police station. I don't know what was written in the envelope with the money in it.

Q. And you were released?

A. I was released the same evening and supposed to take the plane that same evening.

Q. Did you come back? A. Yes.

Q. By TPA? A. By TPA. [32]

Q. Who had paid for the ticket?

A. Willie Alford, I guess.

Q. When you came back to the airport here in Honolulu was Mr. Alford there?

A. Yes, he was right there.

Q. Did anything unusual happen there that night?

A. To tell the truth I didn't want to go back to Willie Alford that evening. He insisted on my going back to my home. I told him I didn't want to have anything more to do with him, and he wanted to make a fuss about it. He grabbed hold of my suitcase and took off when he knew I was going to call for the police officer.

(Testimony of Edna Rodrigues Alford.)

Q. Did you call the police officer?

A. Yes, that was the reason, the very reason I spent all evening there, 7:35 when I arrived until 11:00 or 11:30 that night at the police station making statements against William Alford.

Q. The statement you read in my office last week was the statement you gave to the police officer on that date?      A. Yes, sir.

Q. Now, you said you had a suitcase at the airport and Mr. Alford took it away?

A. He already grabbed it from the counter. I told him to leave it alone, but he already grabbed the suitcase and took it in his car and drove off, so that evening I have to have a police officer and matron go with me to where he was staying and demanded by suitcase. He said he wouldn't give it to me because it doesn't belong to [33] me. How else it doesn't belong to me, because all my things were in there, nothing belongs to him, and the following day, that was Monday, he already brought it up to my son's where I am staying now. When I looked in my suitcase, I quickly wanted to look for that note book, it wasn't there, all missing.

Q. The note book wasn't in the suitcase?

A. It wasn't there any more.

Q. When you left Hilo did you have the note book in the suitcase?      A. Yes, I did.

Q. When the suitcase was brought to you the next day it wasn't there?      A. It wasn't there.

Q. These letters of acknowledgment that Mr. Alford used to write to you each time he received

(Testimony of Edna Rodrigues Alford.)

money from you, were you in the habit of keeping those letters, or disposing those letters?

A. I was keeping them for a while. I don't know what came up to his mind, he said, "let's destroy these letters. We might get raided some day and I don't want any evidence to be around." He destroyed his letters and naturally I had to destroy my letters. I didn't have to be afraid of destroying my letters because I have no means of hiding anything from the law. It was him.

Q. These letters were destroyed in Honolulu at the place where Mr. Alford is living now?

A. Yes. [34]

Q. What did he say the reason was for destroying the letters?

A. He said we might get raided.

Q. Since the time you talked to the police officer did you continue to live with Mr. Alford?

A. No, sir.

Q. You moved out?

A. I moved out and I am staying with my son at 425 Kuulei Road.

Q. This son is from a prior marriage to Salamango? A. Salamango, yes, sir.

Q. All of these things you have testified to happened in the City and County of Honolulu, Territory of Hawaii? A. Yes, sir.

Q. You are sore about what Mr. Alford did to you now? A. I beg your pardon.

Q. You have ill-feeling toward Mr. Alford?

A. I still do.

Q. What caused this ill-feeling?

(Testimony of Edna Rodrigues Alford.)

A. By him putting, making me as a prostitute, by taking me as his wife. That would be different, but having me as a prostitute, that is all he wanted me for.

Q. Do you know whether Mr. Alford regards you as a prostitute, or if he has any other girls he uses as a prostitute?

A. Yes, he did have a woman practice as a prostitute.

Q. How do you know?

A. Because this woman stayed and slept there in my house where I stayed. [35]

Q. That is the home you shared with Mr. Alford here in Honolulu? A. Yes, sir.

Q. And she carried on prostitution there?

A. Yes, she even went down to Hilo to practice as a prostitute.

Mr. Marshall: Object to that, if your Honor please, without any foundation being laid, just a bare assertion.

The Court: It has been asked and answered.

Mr. Kamo: No further questions.

### Cross-Examination

By Mr. Marshall:

Q. Mrs. Alford, what is your age?

A. I am thirty-four.

Q. You have been married before?

A. Yes.

Q. How many times? A. Twice, sir.

(Testimony of Edna Rodrigues Alford.)

Q. Twice before your marriage to Willie Alford?  
A. Three times with Alford.

Q. How old were you when you were married the first time?  
A. Fifteen to sixteen, sir.

Q. How long were you with your first husband?

A. Three years.

Q. You realize, Mrs. Alford, that the testimony that you have given in this court today can subject you to prosecution? [36]  
A. Yes, sir.

Q. Have you been promised any immunity?

A. What do you mean?

Q. Has anyone told you if you got up on the stand—  
A. No, sir.

Q. No one has promised you anything?

A. No one has promised me anything.

Q. How many children do you have?

A. I have three, two from my first husband, and one from my former husband, Salamango.

Q. Your second husband?  
A. Yes, sir.

Q. I believe it came out the oldest boy was seventeen?

A. The youngest is seventeen, next to the oldest is nineteen, my oldest one is twenty.

Q. Your first child was born prior to your marriage, your first marriage?  
A. Yes, sir.

Q. How did your first marriage terminate, how did it end?  
A. It ended by family quarreling.

The Court: By divorce?

The Witness: Divorce.

Q. When was that?  
A. That was 1932.

Q. When was your second marriage?

(Testimony of Edna Rodrigues Alford.)

A. My second marriage was in 1934, in Hilo, Hawaii.

Q. How did you support yourself from 1932 to 1934?      A. Well, I was a taxi dancer then. [37]

Q. In this house where you are living at the present time, who lives there besides yourself?

A. Thomas Angay (?) my son's father, my son and I, and another old man.

Q. You are living in the house with your former husband?

A. Yes, I am paying as a boarder. I have a room by myself. I am not living with him, or having any more relationship with my former husband.

Q. Do you plan to divorce this defendant?

A. Yes, sir.

Q. Are you in love with anyone else at this time?

A. No.

Q. Just what are your feelings toward the defendant?

A. I think they were characterized for you.

Q. I would like you to describe it.

A. As I told the prosecutor, Mr. Kamo, I have still ill-feeling toward him on account of the way he treated me, instead of taking me as his wife, if he ever loved me he would not have had me go there and practice this prostitution.

Q. Well, you lived with the defendant two years prior to your marriage?      A. Yes.

Q. And during that time you were engaged in prostitution?      A. Yes, sir.

(Testimony of Edna Rodrigues Alford.)

Q. Now, Mrs. Alford, when did you first begin practicing prostitution?

A. 1946, August 13th.

Q. You have testified that on August 13, 1946, you started practicing prostitution, you are sure of that date? [38]

A. I am certain of it. I will never forget that date.

Q. On August 13, 1946, you said the defendant said to you, "I have ways of treating a woman like you?"

A. That is what he said.

Q. You said he was going to hit you across the head, slap you across the side of the head?

A. Yes.

Q. Was anything else said by the defendant?

A. He kept nagging until I—naturally I just couldn't stand it, just have to go.

Q. When you left the house where did you run into this Filipino?

A. Somewhere on Liliha Street. I don't know the address.

Q. How did you happen to meet the Filipino?

A. Through Willie Alford, he makes the contact.

Q. Tell me just what happened?

A. He makes the contact with the Filipino guy.

Q. What do you mean?

A. Contact for practicing prostitution.

Q. Let's go back a minute, you are in the dwelling house when you and Mr. Alford quarreled, he has told you to go out and make some money?

(Testimony of Edna Rodrigues Alford.)

A. Yes, sir.

Q. What happened after you turned around and left the house?

A. Turned around and left the house.

Q. Were you by yourself?

A. I went to meet the Filipino guy. [39]

Q. Was anyone with you at that time?

A. I was by myself.

Q. How did you know where to go?

A. Alford told me to meet the Filipino guy on a certain street.

Q. Up until that time you had never been a prostitute?      A. Yes.

Q. You went out that night and made \$100.00?

A. Yes, sir.

Q. The first night?      A. The first night.

Q. You have mentioned that when you were in Hilo, and these various other places, you frequently took off from Honolulu with \$1.00, or possibly \$5.00 in your pocketbook?      A. That is true.

Q. Why did you send, when you were in Hilo and away from Alford, why did you send to him all your money except a few dollars?

A. Because he demands it to send it to him. He don't want me to keep that amount of money.

Q. Did he have any way of knowing how much money you were making?

A. If I tell him of the amount of money I am making he will know, if I don't tell him he doesn't know. I was true to him, I told him I made so and



(Testimony of Edna Rodrigues Alford.)

so much, maybe \$300.00 that month, and I sent it all to him.

Q. Are you trying to tell the Court that at that time you were in love with Willie Alford and wanted to send [40] him everything you made?

A. He demands it. That is what men like him demand of women, their earnings.

Q. What I am trying to find out is, isn't it a fact that unless you told him how much you were making he wouldn't know whether you made \$50.00 or \$100.00 or \$300.00 in one week?

A. He would know that.

Q. How would he know that, he wouldn't be there?

A. He would know because other girls go to the other Islands and come back and tell him "we are doing good over there, I don't see why your wife couldn't make good."

Q. Isn't it true he wouldn't know whether you made \$100.00 or \$150.00?

A. He would know that because I would write to him the amount of money I make that month.

Q. Suppose you didn't write, he couldn't tell how much he made?

A. If I don't write and tell him, if I don't send him the money, he usually wait at home, just sitting there and waiting for me to hand it down to him when I come back from the other Islands.

Q. Mrs. Alford, what I am trying to find out, here you were in possession of the money, you were there all by yourself, why would you turn around

(Testimony of Edna Rodrigues Alford.)

and send all your money to Mr. Alford, couldn't you possibly have kept back \$50.00 each week?

A. No. [41]

Mr. Kamo: Objection——

The Court: The question has already been answered, Mr. Kamo.

Q. I believe you testified that you read over the statement that you had made initially to the police before coming to Court? A. Yes.

Q. How long ago did you read that statement?

A. Oh, from that date, September to——

Q. I am sorry, I don't believe you understand the question. A. Yes, I did.

Q. When was the last time you read that statement?

A. The last time was on January, up to February.

Q. When did you give that statement to the police?

A. I gave that statement September 23, 1950.

Q. Mrs. Alford, when you read in that statement, when you testified that on July 14th and the 28th you sent \$250.00 from Hilo——

A. Yes, sir.

Q. Were you testifying to that because you read it in your statement? A. No.

Q. Or because you remembered?

A. Because I knew it.

Q. Then you weren't telling the truth a while ago when you answered Mr. Kamo's question that

(Testimony of Edna Rodrigues Alford.)

you read the statement and it refreshed your memory?

A. I did not, because the statement, when I gave it to [42] the police I remembered the dates.

Q. You didn't remember that on July 14th you sent some money from Hilo, you remembered that because in your statement you said that on July 14th you sent some money from Hilo?

Mr. Kamo: Don't answer that. I know what counsel is getting at. I object on the ground that it is a misstatement of what I have inquired into, to which she testified that when she made the statement to the police officer she remembered the exact date and the amount when she had sent money to Mr. Alford, which statement was recorded, and that is the date and that is the amount that she remembers. That is her statement in the testimony on direct.

The Court: I will permit the question. I think Mr. Marshall is trying to determine whether she is testifying after having refreshed her memory from reading the statement she made to the police. (To the witness:) Do you understand the question?

The Witness: Yes, sir.

The Court: Will you answer the question?

A. That's right. I remember the date July 14th and 28th I sent William Alford \$250.00.

Q. You remember right now that on July 14th you sent Willie Alford \$250.00 from Hilo?

A. Yes, sir.

Q. What day of the week was July 14th?

(Testimony of Edna Rodrigues Alford.)

A. How would I know what day of the week it was. [43]

Q. How do you know what the date was?

A. Because I had written it down in my note book, as I told you, and that William Alford had taken that note book. He knew very well it would be against him.

Q. You no longer have the note book?

A. No.

Q. You gave this statement to the police shortly after the note book was stolen? A. Yes.

Q. You read that statement not long ago?

A. I know all those things which I have written in my own note book. I should know it.

Mr. Kamo: May we take a short recess at this time.

The Court: Very well. The Court will take a short recess.

(Recess.)

### Continuation of Cross-Examination

By Mr. Marshall:

Q. Now, Mrs. Alford, you have testified that you have actual present remembrance of having sent this money to the defendant on the dates you have named here? A. Yes, sir.

Q. Will you tell me, describe what you did on February 11th, 1949, and 1950, when you sent the money to your husband?

A. Describe what I did?

(Testimony of Edna Rodrigues Alford.)

Q. Yes. [44]

A. Practicing as a prostitute as usual.

Q. I am asking you how you sent the money to Mr. Alford from Hilo?

A. By special delivery.

Q. Where did you get the envelope?

A. Buy it.

Q. Where? A. In Hilo Drug Store.

Q. Where did you get the stamp?

A. From the post office in Hilo.

Q. Where did you write the little note when you sent the money?

A. Where I am staying at.

Q. Then what did you do?

A. Mailed it together with the money.

Q. Do you remember where you mailed the letter? A. Where I mailed it?

Q. Yes.

A. Hilo Post Office.

Q. I will pick another date, do you remember being in Hilo in May, 1950? A. Yes, sir.

Q. You sent money from there on the 15th and the 23rd and the 28th, are those the correct dates?

A. Yes.

Mr. Kamo: Objection, your Honor, she testified—

Mr. Marshall: She testified she sent money on May 15th, 23rd and 28th.

Mr. Kamo: That is a matter not in evidence. [45]  
It is a mistatement of the evidence.

(Testimony of Edna Rodrigues Alford.)

Mr. Marshall: That was my understanding of the testimony of the witness.

The Witness: May 10th, 19th and 21st.

The Court: I didn't write down the dates in my notes, what were they again?

The Witness: May 10th, 19th and 21st, your Honor.

Q. (By Mr. Marshall): Directing your attention to May 19th, when you allegedly sent money to Mr. Alford from Hilo, tell the Court where you got your envelope that day?

A. Well, I usually buy my envelopes all one time so that I don't have to go back to the drug store for another one.

Q. Do you remember where you got the stamp that day?

A. Same place, Hilo Post Office.

Q. Then you repeated the same procedure?

A. Repeated the same thing, special delivery.

Q. Directing your attention to May 21st, tell the Court how you sent the money to Willie Alford from Hilo that day?

A. The same as always, the usual thing.

Q. Where did you get your stamp that day?

A. Post office, sir.

Q. Is the Hilo Post Office open on Sunday?

A. Sometimes I buy my stamps in a booklet. Sometimes I run out of stamps.

Q. Didn't you just say you bought your stamp at the Hilo Post Office that day?

A. Yes. [46]

(Testimony of Edna Rodrigues Alford.)

Q. On May 21st?

A. Yes. The post office naturally is closed on Sunday.

Q. How did you get the stamp on that day, that Sunday?

A. I go and ask some friends of mine.

Q. You don't know whether you bought the stamp at the post office?

A. It is not the day that I bought the stamp, it is the day when I sent the money. It is not what we are arguing about, the date I bought the stamp, but the date I sent the money.

Q. I will now ask the question we had a while ago, isn't it a fact that you are testifying to what you read in the statement that you gave the police?

A. Yes.

Q. Rather than your actual remembrance of doing a particular thing on May 11th or 12th, or May 28th, you got all those dates from this police report?

A. Yes, because I gave them that statement.

Mr. Marshall: At this time I move to strike all this testimony as being inadmissible. She has testified to the contents of a hearsay document. Even if she made the statement under the rules of evidence it is not direct evidence and has no probative value.

The Court: There is some confusion. I did not gather that she is testifying directly from the police report. She may have answered one question that way. I think further cross-examination will clarify the situation that her memory was refreshed from

(Testimony of Edna Rodrigues Alford.)

reading the police report. [47] She has testified she made this statement in September when the facts were fresh in her mind, and the book was lost, then she read the report over and that is how she remembers. That is the impression I got. Motion to strike will be denied.

Mr. Marshall: May we have an exception?

The Court: Yes, Mr. Marshall.

Q. Did I understand you to testify that you had been fined \$150.00 in Hilo, and that you telephoned Mr. Alford to send you the money to pay the fine? A. Yes, I did.

Q. Did you make that telephone call personally?

A. No, I had a friend of mine make the telephone call.

Q. Who was the friend who made the telephone call?

A. I just knew him briefly in Hilo. He was a part-Hawaiian, part-Filipino guy.

Q. Did you ever give him any money?

A. No, sir. I never gave any money to anyone except Willie Alford.

Mr. Marshall: No further questions.

Mr. Kamo: No further questions.

The Court: You may step down, you are excused.

(The witness was excused.)

Mr. Kamo: Call Mr. Muraoka.



KATZUMI MURAOKA

called as a witness, for and on behalf of the Territory, being first duly sworn, testified as follows: [48]

Direct Examination

By Mr. Kamo:

Q. You are Mr. Katzumi Muraoka?

A. Yes, sir.

Q. You are employed at the Hawaiian Airlines accounting office?

A. Yes, sir.

Q. This is located on Merchant and Fort Streets?

A. Yes, sir.

Q. Mr. Muraoka, you are in charge of this accounting office, is that right?

A. Yes.

Q. In your accounting office, or as part of your work, you have custody of all the records of flights made by passengers from one island to the other?

A. Yes, sir.

Q. You have these ticket stubs, or whatever you call that portion of the ticket that they use?

A. Yes, sir, that's right.

Q. You were asked by me to check your records, and earlier by the police officer to check the records in your office to determine whether Mr. William Lafayette Alford bought any tickets for Mrs. Lafayette Alford from Honolulu to the other islands, is that right?

A. Yes, sir.

Q. Did you make that check?

A. I did, yes.

Q. Do you know, or were you able to find any, if not all, of the tickets that Mr. Alford bought for Mrs. Alford? [49]

(Testimony of Katzumi Muraoka.)

A. I have here a ticket which was purchased away back in August of 1950.

Q. August, 1950?           A. Yes, sir.

Q. This ticket was purchased by whom?

A. We don't know exactly who purchased this ticket. The ticket was purchased at Hilo. A wire was sent to Honolulu for passage for Mrs. Edna R. Alford from here to Hilo, on August 14th.

Q. And on the other occasions when the police officer was checking the records with you were you able to determine whether any tickets were bought by Mr. Alford for Mrs. Alford?

A. I believe several, four or five tickets.

Q. And the purchaser of the ticket was who?

A. We don't know the purchaser. We know the traveler of the ticket.

Q. Who was the traveler of the ticket?

A. Mrs. E. Alford.

Q. Where was the ticket purchased?

A. Down town office.

Q. Your records do not show who bought the tickets?           A. No.

Q. No other tickets?           A. No.

Mr. Kamo: No further questions.

Mr. Marshall: No questions, your Honor. [50]

Q. (By the Court): Do your records show the dates of the tickets issued to Mrs. E. Alford and her destination?

A. On the ticket stub, all these coupons specify date of purchase, date of flight, flight time of flight.

(Testimony of Katzumi Muraoka.)

Q. You say you do not have a record of who purchased the ticket?      A. No, we don't.

The Court: That is all.

Mr. Kamo: May I ask a question?

The Court: Yes.

Q. As to these tickets you were able to locate, do you remember the dates of flight, when they flew?

A. I gave that information to the police officer.

Q. Do you remember?

A. I don't recall to the best of my understanding.

Q. You did have those dates?      A. Yes.

Q. What are those dates?

A. I don't recall exactly right now. I believe it was—I have several here.

Mr. Marshall: I believe the witness stated that he didn't recall.

Q. Have you made a search for the dates?

A. I made a search, July 18, 1950, Honolulu to Hilo; on August 6th Honolulu to Lanai, 1949, January 10, 1950, Honolulu to Hilo, August 14, 1950, Honolulu to Hilo.

Mr. Marshall: I would like to have those [51] dates made available to me. I couldn't follow the witness.

The Witness: July 18, 1950, Honolulu to Hilo; on August 6th, Honolulu to Lanai, 1949, January 10, 1950, Honolulu to Hilo, August 14, 1950, Honolulu to Hilo.

The Court: Any questions, Mr. Marshall?

(Testimony of Katzumi Muraoka.)

Mr. Marshall: Could it be possible to have a five-minute recess to get those dates?

The Court: Anything further from this witness?

Mr. Marshall: No, your Honor.

The Court: You are excused, Mr. Muraoka.

(Witness excused.)

Mr. Marshall: The Prosecution agrees on the recall of the complaining witness just for one question.

The Court: Very well. Mrs. Alford, will you resume the witness stand, please.

Whereupon

MRS. EDNA RODRIGUES ALFORD  
resumed the witness stand.

#### Continuation of Cross-Examination

By Mr. Marshall:

Q. Mrs. Alford, where were you born?

A. I was born in the Philippines.

Q. Have you ever been naturalized?

A. Not yet.

Q. You do have a registration card, do you not?

A. Yes.

Q. Do you have that card with you?

A. No, I lost all those cards, lost my wallet once, and had to get my registration card again. [52]

Q. Isn't it a fact that the records at the Immigration Station show that you are thirty years of age?

(Testimony of Mrs. Edna Rodrigues Alford.)

Mr. Kamo: I object to the question, your Honor, immaterial, outside the scope——

The Court: I will permit the question.

Mr. Marshall: Goes to the credibility.

A. What it shows I don't know. When I came here I was quite a little girl with my mother. That would be in 1921, as far as I can remember.

Q. The records would show you four years older than you testified?      A. I guess so.

Mr. Marshall: That is all.

### Redirect Examination

By Mr. Kamo:

Q. Who is your father?

A. My father is a French Creole.

Q. What profession was he in?

A. He was in the army as a doctor.

Q. Your mother?

A. My mother Filipino-Spanish.

Q. Who was she working for in the Philippines?

A. She was working during World War I as a nurse.

Q. For the United States Army?

A. That's right.

Q. When you first came here how old were you?

A. Five to six years old.

Q. You came with your mother?

A. Yes. [53]

Q. Is it true your father died?

A. That I wouldn't know.

(Testimony of Mrs. Edna Rodrigues Alford.)

Q. When you came here what school did you go to?

A. I went to grammar school in Wahiawa, and I was in boarding school here in Honolulu at the Salvation Army.

Mr. Kamo: No further questions.

Mr. Marshall: The defendant wishes to take the stand.

### WILLIAM LAFAYETTE ALFORD

defendant in the above-entitled cause, called as a witness for and on his own behalf, being first duly sworn, testified as follows:

#### Direct Examination

By Mr. Marshall:

Q. What is your name?

A. My name is Lafayette Alford, Willie so-called.

Q. What is your age?

A. My age is thirty-eight.

Q. You are the defendant in this case?

A. I am the defendant in this case.

Q. You were married to the lady that just left the stand?      A. I am married to her.

Q. Have you ever been married before?

A. Before, yes.

Q. How many times?      A. Once.

Q. How many children do you have, if any? [54]

A. One boy on the war front in Korea.

(Testimony of William L. Alford.)

Q. That is the only child?

A. I have one more boy with my father.

Q. That is where?           A. Oklahoma.

Q. Were you in the military service during the war?  
A. Yes, sir.

Q. Willie, have you ever been convicted of any offense of any nature of the laws of any place or state?

A. Never been convicted, except assault and battery once here in Honolulu.

Q. Prior to that?           A. Before no more.

Q. When you were sixteen years old you were picked up by the truant officer?

A. I was convicted because I was guilty.

Q. When did you come to Honolulu?

A. 1945.

Q. You met your present wife about one year after that?           A. About six months after.

Q. How do you feel toward your wife at this time?

A. I still love my wife. If I hadn't loved my wife I wouldn't have married her. I loved her, that is why I married her.

Q. During your marriage how did you and your wife get along, starting now from the first part, what was the situation?

A. We were just sweethearts, that's all, then we come to an agreement to get married. [55]

Q. Does she have any habits that you objected to, anything that ever caused any discussion?

A. Gambling.

(Testimony of William L. Alford.)

Q. Does she gamble very often?

A. That is her daily occupation, gambling every day.

Q. You have heard everything that has been said in this courtroom today concerning the charges against you?      A. Yes.

Q. What do you have to say about the fact that your wife alleges that you induced her into prostitution?

A. I have never mentioned anything like that to my wife. Never received anything from her, not even a package of cigarettes. The whole year, last year, I was underneath the doctor's care, couldn't even walk when I came out. I was hurt in an accident in a car. I am still underneath the doctor's care.

Q. Let's go back to August 13, 1946, where were you living at that time, Willie?

A. 1130 Maunakea Street.

Q. Were you living there with your now wife?

A. Sometimes she come up and see me. We weren't living together because she hadn't divorced her husband.

Q. She wasn't staying there every night?

A. No.

Q. Did she ever stay there with you all night?

A. Part of the night, then she would leave.

Q. Where was she working?

A. No, she was gambling. At that time she quit her job. She didn't have a job long, she quit it. [56]



(Testimony of William L. Alford.)

Q. Did you ever mention the fact to her that you wanted her to earn money as a prostitute?

A. Never did.

Q. Willie, did you know what your wife's activities were?

A. Nothing but gambling. I didn't try to find out. People would tell me, but I wouldn't pay any attention. I loved the woman. I didn't want anyone to believe I couldn't get along with her.

Q. Did you ever threaten to strike her?

A. Never threatened to strike her, never struck her. She has always been free to do what she wanted. If I was cruel she could have reported me before that to the police.

Q. What did you think about your wife taking these trips to Hilo, and to the other islands?

A. I told her not to go, told her to stay home in Honolulu, not to stay away from home. She went and she stayed and came. She gambled day in and day out, she would gamble. I stayed by myself in the hotel. I have that proof.

Q. When were you married to your present wife?

A. 1948.

Q. Do you remember the month?

A. December.

Q. December 23, 1948?

A. Yes.

Q. When did she subsequently leave you, refuse to live with you any longer?

A. Never did. [57]

Q. didn't she leave you and refuse to live with you?

A. Yes, that's right.

(Testimony of William L. Alford.)

Q. Tell the Court the occasion for her leaving, what happened, what brought that up, how did she happen to leave you when your marriage broke up?

A. She got tired of my telling her to stay home. She got tired my saying not to gamble. I have never squawked about anything; never called her names; never did beat her; never squawked about her gambling and staying away from home.

Q. When did she finally leave you?

A. April last year. I can't recall the date.

Q. April of 1950? A. That's right.

Q. Willie, I want you to explain to the Court exactly what your activities have been since you arrived in Honolulu in 1946, 1945 rather?

A. I have had a little business.

Q. Let's start off, you were discharged from the army for physical reasons in '43?

A. '43, because of my feet.

Q. You came to Honolulu in '45?

A. '45 I was a merchant seaman and the ship's crew broke up. They made us get off. I went to work. I got a job. While waiting for a job I got a job.

Q. Where did you work?

A. 121 Club, Hotel Street.

Q. What sort of place? [58]

A. Dance hall.

Q. What was your job?

A. Behind the counter.

Q. How long did you keep that job?

A. Until June, 1946, they closed up.

(Testimony of William L. Alford.)

Q. From June, 1946, what did you do the next year?

A. Scrabbling around different places. I had money when I got off my ship. When I got off my ship I got the money I made there. I saved that money. I stashed it away and opened a place of business the first part of 1947. I held on to my money. I opened a place of business. Operated that place of business about three months.

Q. Where was your place of business?

A. 1112 Maunakea. Shoe shine stand, amusement-like place, but my wife didn't hang around there. She stayed gambling. There wasn't any place for her over there.

Q. When you got out of that business what did you do?

A. I had saved enough money. I tried to get a job. Trying to get a job I would go to the employment office every few days. I couldn't do too much. I tried, made application at the Civil Service and every place.

Q. Did you have any savings at that time?

A. Sure I had savings.

Q. Did you invest your money?

A. I invested it in automobiles. I bought two automobiles. That was the only way I could save my money. I lived up until September in 1947, when I went to work at the Honolulu Airport as a Redcap, and I made money there, and I held on to that money. She knows that I used to [59] turn all the money over to her except just a few pennies.

(Testimony of William L. Alford.)

Q. You worked there until when?

A. October, 22nd of October.

Q. 1948? A. 1947.

Q. Then somewhere in there you joined the 52-20?

A. I joined the 52-20 because I am a veteran.

Q. When was that?

A. '48, I think May if I am not mistaken. I think it was in May. I can't recall if it was first in '48. I saved what little money I had to keep from going on Welfare.

Q. How did you live in 1949?

A. I squeezed through, and I had a friend I borrowed money from all the time.

Q. You are still living in this house that you and your wife were living in during your marriage?

A. No, we were living in a hotel at that time.

Q. When you say you squeezed through, you mean you were borrowing money from your friends?

A. I borrowed money from my friends. I used to let them have money when I was in business, they would come and borrow money from me. When I had no more finances then I mortgaged my car. That is where I lost my car.

Q. When was this incident that you are complaining of?

A. This year. January 13, 1951.

Q. How did you live in 1950?

A. I lived off my friends, mortgaged my automobile. That is why I lost it. [60]

(Testimony of William L. Alford.)

Q. Where are you staying?

A. I am staying with my friend. My tenant is living with me, and keeping the rent going.

Q. Do you have a job?

A. I had a job, but couldn't take it. Civil Service. I was just called to work.

Q. You have applications in at different places?

A. I have had applications in everywhere. I have been turned down because I am a colored man.

Q. You have been turned down?

A. Except Civil Service. That was the only place I could get any.

Q. Is there anything else you want to tell the Court about your case?

A. My case, I don't think my wife is right about bringing something up against me that I was guilty. If I was guilty I would have pleaded guilty to the Judge. I still love my wife and wanted to do the right thing. I always did the right thing, never squawked, never pushed her around.

Q. And the subject of prostitution never came up between you?      A. Never came up.

Q. You testified that she never gave you as much as a package of cigarettes?

A. She never did. I was laid up and a friend of mine was taking care of me all last year. He carried me from the bed and carried me back and forth to the doctor.

Mr. Marshall: That is all. [61]

(Testimony of William L. Alford.)

Cross-Examination

By Mr. Kamo:

Q. Mr. Alford, when you came to Honolulu in 1945 how much money did you have with you?

A. I had around \$3,500, because I just came off a trip.

Q. You had about \$3,000?

A. About \$3,500.

Q. During the years '45, '46, '47, '48, '49 and '50, approximately how much did you make each year? A. You mean during the year 19——

Q. Let's take the year 1946, in that whole year, according to your income tax return, how much money did you make, according to the income tax returns you filed, how much did you make?

A. I didn't file any because most of the money I had was from going to sea. In other words, we didn't have to pay for any.

Q. In 1947, you filed your income tax returns for the year 1946 did you not, or did you file any?

A. No, because I had no money by working on the job.

Q. Then in 1946 you hardly made any money at all?

A. 1946 I was working. I had a small job. I didn't make over \$500.00.

Q. My question is, approximately how much did you make in the year 1946, whatever your employment was?

A. About \$400.00, and the money I had when I came here.

(Testimony of William L. Alford.)

Q. Now in 1948 you must have filed an income tax return for the year 1947, how much did you make in the year 1947?      A. '47? [62]

Q. Did you file an income tax return for that year?

A. Yes, but I paid that, my income taxes. I never got a notice to come in and file.

The Court: The Court will take a short recess at this time.

(Recess.)

Q. (By Mr. Kamo): Mr. Alford, how much money did you make in 1947?

A. '47, I can't recall how much I did make in '47.

Q. About how much?

A. Oh, I don't know, around \$1,800.00, \$1,900.00, about \$2,000.00.

Q. How did you make this money?

A. I was working in my business.

Q. What kind of business?

A. Shoe shine parlor and amusement concession.

Q. And this was at 1112 Maunakea Street?

A. Yes.

Q. How long did you have this business?

A. About three months I think it was.

Q. You worked three months and earned \$2,000?

A. A little over, between \$2,000—between \$2,500 and \$2,000.

Q. You started at about \$1,800 and you are going up and up, what is that last figure?

(Testimony of William L. Alford.)

A. That is about——

Q. \$2,500.00? A. \$2,500.00.

Q. For three months' work as a shoe shine stand? [63] A. Yes.

Q. You didn't work at all after that for the year 1947?

A. Yes, I worked at the Honolulu Airport in September of '47.

Q. How much did you make there?

A. Only getting \$20.00 on salary and my tips, and my tips I don't know, I made good in my tips.

Q. What you earned at the shoe shine stand is included in that \$2,500 figure you told me you earned in '48?

A. No, that was in my business, \$2,500, in my business.

Q. The three months you were working at the airport how much did you earn, approximately?

A. I was only getting \$20.00 a week and my tips.

Q. How much a month?

A. Around \$100.00 a month, \$200.00 with tips, because the tips was good out there at any time.

Q. In 1948 how much did you earn?

A. 1948 I got my 52-20.

Q. 52-20 how long?

A. I stayed until I finished it all.

Q. What time of the year did you finish with it?

A. 1949, I think I finished. My last check was the first of 1950.

Q. 1948, 1949, you were also in in 1950?

A. That's right, first of '49.



(Testimony of William L. Alford.)

Q. Ending part of '49, after you got all your 52-20, how did you live?

A. I was still squeezing through on the little money [64] I had stashed away.

Q. You weren't working?

A. Couldn't work, couldn't get a job anywhere. In 1948 I had a couple of days work at the employment office. That didn't amount to much.

Q. During the year 1950, that is last year, did you earn any money?

A. No, I didn't earn any money the first of last year. I still had a little money, and I mortgaged my car in the month of February.

Q. Since you came to Honolulu in 1945 up to and including today how many cars have you had?

A. Three.

Q. Three cars?           A. Yes.

Q. When did you buy the first car?

A. The first two cars I bought in 1947.

Q. The first car in 1947?           A. 1947.

Q. That was what kind of a car?

A. Buick.

Q. And the second car, when did you buy it?

A. '47.

Q. What kind of car was that?           A. Buick.

Q. And the third car, when did you buy it?

A. 1949.

Q. What kind of a car was that?

A. Buick. [65]

Q. How many times have you been married?

A. Twice.

(Testimony of William L. Alford.)

Q. You were married the first time when?

A. 1932.

Q. Married in 1932, for how long?

A. Until 1937.

Q. How many children do you have?

A. Two, two boys.

Q. How old are they now?

A. My oldest boy is nineteen years old, the youngest one is seventeen.

Q. Do you have any other children besides those two?      A. No.

Q. Up to the time this case came up and your wife had testified and said she was a prostitute, or practicing prostitution, did you know that she was in the game of prostitution?

A. I didn't know. All I know was my wife gambled. That is all I know.

Q. Did you know that your wife was arrested and plead guilty to prostitution, for prostitution?

A. No, the only time I knew——

Q. When was that?      A. 1947.

Q. Then your statement that you didn't know she was practicing prostitution up until a few months ago was not true?

A. I didn't know she was practicing prostitution until [66] the year she was busted the first time in 1947. Then I knew she had been fooling around.

Q. Then in 1947 you knew she was a prostitute?

A. That's right.

Q. Then your statement that you did not know

(Testimony of William L. Alford.)

she was a prostitute until a few months ago is not correct?

A. I did know she was a prostitute in 1947. I didn't know before because she always said she was gambling. She would go out and I never squawked.

Q. In 1947 you knew she was a prostitute, is that right?

A. I knew she had been arrested for prostitution. She wasn't supposed to be no prostitute, she was supposed to have been gambling. She wasn't supposed to be doing any prostitute work.

Q. Did you ever receive any money from your wife?

A. I never received anything from my wife.

Q. Did you ever receive any clothing, or anything, from your wife?

A. No, I never received any clothing from my wife. I bought my own clothing out of my own earnings.

Q. Did you buy the food for yourself and your wife?      A. That's right.

Q. And any time you went out you paid for both yourself and your wife?

A. That's right.

Q. Did you pick up your wife at the airport at any time when she came back from the other islands?      A. I did.

Q. Did you ever take your wife to the [67] airport?

A. I have taken my wife to the airport when

(Testimony of William L. Alford.)

she went to see her daughter get married in 1949, on Kauai.

Q. That was the only time?

A. That was the only time.

Q. On September 23rd of 1950 were you at the airport?

A. I went to pick her up at the airport.

Q. Then that time she went to Kauai was not the only time you went to the airport to pick her up?

A. That was the only time I went to pick her up, August, 1949, her daughter got married. I took Edna to the airport. When she got into trouble I said I would go to meet her. The bondsman sent the money to get her out of jail. I asked him if he would put up the money. He said, "don't beat your wife," and I said I had never beat my wife.

Q. You were at the airport in September to meet your wife when she came back from Hilo, after she had been in jail in Hilo?

A. Yes, in September, I don't know what day it was.

Q. A police officer was there, do you recall that?

A. Yes, I met her. I talked to her. I asked her where the bag was. The baggage boy sent the bag out. The airport was full. I didn't want to leave her bag. I was talking to my wife. It is my right to talk to my wife. She is my legal wife. I think it was right to talk to her.

Q. Didn't your wife tell you not to take the suitcase?

(Testimony of William L. Alford.)

A. It was my suitcase. She didn't tell me not to take it. [68]

Q. Did you return the suitcase to your wife the next day?           A. The next day.

Q. You returned it to where her son is now?

A. That's right.

Q. Did you open the suitcase?

A. Yes, I opened it because it was mine. We both had keys to it.

Q. Why did you open it, Mr. Alford?

A. Because she was my wife. I had bought the bag and bought her clothes.

Q. The bag was there with you, you had the bag?           A. Yes, I had the bag at my house.

Q. Why did you have to open it?

A. Because the police told me to get the bags. I told him it was my bag and my wife. I asked the police to open it. I didn't ask my wife to open it.

Q. Why did you open the bag with your key?

A. I opened it with my key because it was my bag. I figured it was mine. I think she had been keeping everything hidden from me. I wanted to see what was in it.

Q. You suspected she was keeping something from you, and you wanted to get at that?

A. yes.

Q. You got it?

A. No, I got some things to show evidence where she was in jail and the man who called me was her boy friend. [69]

(Testimony of William L. Alford.)

Q. That was in the note book?

A. I didn't see that note book. I haven't seen that note book.

Q. Where was that evidence you saw?

A. On a letter.

Q. You disposed of that letter?

A. No, I didn't wreck the letter.

Q. You threw the letter away?

A. No, I didn't wreck it; I kept it, and some pictures that was with the man that came from Hilo with her. He is running around with my wife.

Q. Do you recall destroying some letters?

A. I never destroyed some letters.

Q. Before the incident at the airport?

A. I never destroyed any letters.

Q. Do you recall saying to your wife that these things must be destroyed because we might be raided?

A. I don't recall I ever said that.

Q. Who is living at your home now?

A. A lady by the name of Ruth Mason.

Q. And who else?

A. A gentleman by the name of Young.

Q. And yourself?           A. And myself.

Q. Is that all?           A. That's all.

Q. What is it; an apartment or hotel?

A. Cottage. [70]

Q. Who is Ruth Mason?

A. She is that guy's lady friend.

Q. Does she stay with you?

A. No, she don't stay with me.

(Testimony of William L. Alford.)

Q. How long have Ruth Mason and Mr. Young been with you?

A. She moved there last November, I think it was last November.

Q. While Mrs. Alford was on the other islands two or three months did you stay home alone?

A. I stayed home alone.

Q. You never did have anyone there with you?

A. No one except one man who was with me when I was sick.

Q. While Mrs. Alford was home on the Island of Oahu did you at any time have a girl, or a woman, live in the house with you and Mrs. Alford at the same time?      A. No.

Q. There was never a girl in the house?

A. There was never a girl in the house.

Q. Did you and your wife ever have any visitors in your house?      A. Never did.

Q. And she didn't have a visitor?      A. No.

Q. And you didn't have a visitor?

A. No, I didn't.

Q. Did you have any male friends visit you and your wife?      A. No. [71]

Q. As long as you and your wife were living together?

A. No one comes because we never was home half the time. I was on the street and she was at Iwilei gambling. That is where she was gambling.

Q. How do you know she was gambling?

A. I see her sitting up at the poker table.

Q. Whose home is that?

(Testimony of William L. Alford.)

A. That is where she lived.

Q. Where she lives now?

A. Right where she lives. They gamble day in and day out.

Q. Do you know of any reason why your wife should perjure herself, as you have said, and testify against you now?

A. I don't have any reason what would make her lie like that. I never give her cause. I never bothered with her anything like what she said.

Q. Are you familiar with an address on Halai Street in Hilo?

A. No, I don't know any streets in Hilo.

Q. Do you know a man by the name of Bonifacio Bongolon?

A. No, I don't know him.

Q. Did you write any letters to Hilo at any time?

A. No, I didn't.

Q. Did you receive any letters from Hilo at any time.

A. No.

Q. Did you receive any special delivery letters from Hilo at any time?

A. I don't have any special delivery letters to show [72] you that I received.

Q. Did you go to Hilo at any time?

A. I went to Hilo looking for my wife.

Q. When was that?

A. In August.

Q. What year?

A. 1950.

Q. 1950?

A. That's right.

Q. Why did you go?

A. I went there to get my wife, to bring her



(Testimony of William L. Alford.)

home, and I found her in trouble at the hotel I went to.

Q. How did you know she was in Hilo?

A. I was told she was in Hilo.

Q. Who told you?

A. She had called to my home. She had run away and called back and said she was in Hilo.

Q. Was this a telephone call?           A. Yes.

Q. When was this phone call made?

A. In August after she had run away.

Q. When did she run away?

A. She left me on the 14th of August. I was standing in my door, I couldn't walk when she left me.

Q. August of what year?           A. 1950.

Q. Before that had you been to Hilo?

A. I was in Hilo in 1948.

Q. '48? [73]           A. Yes.

Q. Your wife was there with you?

A. She was already over there. I talked to her.

Q. Where did you meet your wife when you went to Hilo?

A. I talked to my wife there. I talked to her.

Q. Where was "there"?

A. At the Mamo Theatre.

Q. Did you just talk in front of the theatre and nowhere else?           A. That's all.

Q. You never met a party by the name of Bonifacio Bongolon?

A. Never met a party by the name of Bonifacio Bongolon.

(Testimony of William L. Alford.)

Mr. Kamo: Bring Bonogolon in to the door, please.

(Whereupon the Bailiff brought Bonifacio Bongolon to the door of the courtroom.)

Mr. Kamo: What is your name?

Mr. Bongolon: Bonifacio Bongolon.

Q. Mr. Alford, have you ever seen this man before (indicating Bonifacio Bongolon)?

A. I have seen him before, I didn't know his name.

(Whereupon Bonifacio Bongolon left the courtroom.)

Q. You saw him in Hilo? A. That's right.

Mr. Kamo: No further questions.

### Redirect Examination

By Mr. Marshall:

Q. Willie, this shop you had on Maunakea Street, that you had for three months, describe the nature of that a little more. [74]

A. Amusement concession, shoeshine.

Q. What kind of amusement concession?

A. Pinball, shoeshine parlor, juke boxes.

Q. How many pinball machines did you have?

A. Three.

Q. Did most of your profits come from the pinball machines? A. Shoe shine and juke boxes.

Q. You had juke boxes, pinball machines and shoe shine? A. Yes.

Q. How did you happen to lose that place?

(Testimony of William L. Alford.)

A. They went up on the rent. I first got the place, repaired it, built it up, then I sold cigarettes and different candy bars, shoe polish.

Q. And the money came from the pinball machines? A. My earnings of the shoe shine.

Mr. Marshall: No further questions.

### Recross-Examination

By Mr. Kamo:

Q. From 1945 to 1950 have you ever made any income tax returns, or filed any income tax returns?

A. No.

Mr. Kamo: No further questions.

Q. (By the Court): How many shoe shine boys did you have at your parlor?

A. Just two, two guys used to work around there shining shoes, working, they weren't being paid a salary.

Q. They were working on a percentage basis?

A. They would just work and get a few pennies and take [75] off. I had to stay at my place and shine shoes myself. I used to do the same thing myself, work in a guy's place shining shoes after I closed up.

Q. You were making \$800.00 a month on this amusement concession and shoe shine parlor?

A. Yes, something like that, sir.

Q. How much was your rent when you started out?

A. \$100.00 then the landlord wanted to raise the

(Testimony of William L. Alford.)

rent to \$250.00. After he found I was a colored boy he wanted me to give the place up.

Q. Who was the landlord?

A. L. S. Long, owns the Chisolm (?) Grill.

Q. You said you had three Buicks?

A. Yes, I bought them on investment. I mortgaged one, I let the bank hold one to buy another, trying to make money. That was the only way I could hold on to my money.

Q. The first Buick you bought, what model was that?      A. 1941.

Q. The second?      A. 1941.

Q. The third?      A. 1948.

Q. What were you doing with these cars, driving around in them?

A. I would ride in them. I sold them.

Q. But you had a car all the time since 1947 then?      A. Up to 1949.

Q. You bought another one in 1949?

A. Yes. [76]

Q. That was the year you were squeezing through?

A. Because of holding on to my money I had stashed away.

The Court: I have no further questions. Any questions upon the Court's examination?

Mr. Kamo: Yes, your Honor.

#### Recross-Examination

By Mr. Kamo:

Q. How did you get the shoe shine business?

(Testimony of William L. Alford.)

A. I built it up from a shoe box. It was an old fence. I took it and built it up.

Q. Did you have to buy the business from somebody?      A. No.

Q. You rented it from somebody?

A. No, I made it by myself.

Q. You rented the place?

A. I rented the space and I made the equipment myself.

Q. How much rent did you pay?

A. \$100.00, and he raised the rent. He said he wanted me to pay \$150.00 or either move out. That was his excuse to get me out of the place.

Mr. Kamo: No further questions.

The Court: Any further questions, Mr Marshall?

Mr. Marshall: No questions. We rest, your Honor.

The Court: Any rebuttal, Mr. Kamo?

Mr. Kamo: Yes, your Honor. Call Bongolon.

### BONIFACIO BONGOLON

called as a witness, in rebuttal, for and on behalf of the [77] Territory, being first duly sworn, testified as follows:

#### Direct Examination

By Mr. Kamo:

Q. Your name is Bonifacio Bongolon?

A. Yes, sir.

Q. You are an inmate of Oahu Prison at the present time?      A. Yes.

(Testimony of Bonofacio Bongolon.)

Q. Do you understand English?

A. Not so good.

Q. Do you understand what I am saying?

A. I understand a little bit.

Q. If you don't understand you let me know. You know Edna Rodrigues, also known as Edna Alford?

A. Yes.

Q. You used to live in Hilo? A. Yes.

Q. What address? A. Me?

Q. Yes. A. Wainaku Avenue.

Q. Wainaku Plantation? A. Yes.

Q. You know the name of the street?

A. I don't know the name already.

Q. Palani?

A. No, not Palani, Wainaku Street, because it was there.

Q. Do you recall ever driving Mrs. Alford to the post [78] office?

A. Oh, sometimes I drive. I send the money two times. Two times I know because I have full load, sometimes I get a passenger go some place because I drive taxi.

The Court: Let's get this through the Interpreter. I don't understand it all.

(Whereupon Mr. Alfredo Ocampo, Official Filipino Interpreter, acted as official interpreter.)

Q. Will you ask him what his occupation was in Hilo? A. Taxi driver, as a taxi driver.

Q. As an operator of a taxi did you at any time, while in Hilo, drive Mrs. Edna Alford?

(Testimony of Bonofacio Bongolon.)

A. Yes, I did.

Q. Where, if any place, do you remember driving her to? A. Papaaloa, Honokaa.

Q. Do you recall ever driving her to a post office?

A. Yes, she went to send the money to the husband, Willie Alford.

Q. What was that?

A. She wants to send the money to the husband.

Q. How often was this?

A. All depends, sometimes two times one week, sometimes one time one week, because she was telling me she was sending the money because—

Mr. Marshall: I object to this as hearsay.

The Court: Yes, the objection will be sustained.

Q. What year was this? A. 1950.

Q. Did you at any time see any mail at your place for [79] Mrs. Alford?

A. Sometimes I see the letter, sometimes I no see, because I not home all the time.

Mr. Kamo: No further questions.

### Cross-Examination

By Mr. Marshall:

Q. Mr. Bongolon, these letters you testified you sometimes saw at your house that Mrs. Alford received from Mr. Alford?

A. Yes, from him, when she sent money he answered the letter.

Q. How do you know the letters were from Mr.

(Testimony of Bonofacio Bongolon.)

Alford? A. She said she received a letter.

Mr. Marshall: I object, and ask that the answer be stricken.

Mr. Kamo: Mr. Marshall asked for the answer. I see no reason why the answer should be stricken.

Mr. Marshall: It was hearsay.

The Court: You asked the question how he knew the letters came from him and he gave you the answer.

Q. Mr. Bongolon, isn't it a fact you used to solicit for Mrs. Alford when she was in Hilo?

A. Yes, I was the one taking care of her. She asked me to help her. She is my godsister.

Q. You used to solicit for her, get men for her?

A. Yes, because she wanted to make money.

Mr. Marshall: No further questions. [80]

Mr. Kamo: That is the case for the Government, your Honor.

The Court: Thank you, Mr. Bongolon, you may be excused.

(The witness was excused.)

The Court: Does counsel wish to argue this case?

Mr. Kamo: Yes, briefly, your Honor.

(Argument by Mr. Kamo.)

(Argument by Mr. Marshall.)

The Court: Well, as you have pointed out, Mr. Marshall, the sole test in this case is the credibility of the witnesses for the Government as weighed



against the credibility of the testimony of the defendant.

Starting out with the defendant, it is most incredible to me that he knew nothing at all about the activities of his wife as a prostitute, and tried to tell this Court that all his wife ever did, except for that one conviction in 1947, was to go out and gamble. He absolutely denied ever receiving any money from her, ever receiving any letters from her, or ever writing to her, and in that connection the testimony of the last witness for the Government was extremely important. In other words, if Alford would lie about that situation he is likely not to tell the truth about other trifles. Another thing, if Mrs. Alford was over in Hilo making so much money and keeping it all to herself and not sending it to her husband, as she said she did, it is quite unlikely she would have had to stay in the Hilo jail [81] because she could not pay a fine of \$150.00.

I cannot believe the defendant's story that he never took Mrs. Alford to the airport, or met her at the airport, except on the two occasions mentioned by him, once when she went to Kauai for her daughter's marriage, and the last time when she returned in September, 1950. The defendant had nothing else to do most of the time, and the least he could have done was to meet his wife on such occasion. He was driving around in a 1949 or 1948 Buick automobile, which is a very nice kind of a car for a 52-20 alumnus to be driving,

though he says he made some little money in 1949 and 1950.

Then we go into the question of the testimony of Mrs. Alford. I do not care who the woman is, or what her background is, but when she comes into court voluntarily, as Mrs. Alford did in this case, and bares her soul to the public in connection with matters of this type, I think she has thought it over very carefully, and my impression from her testifying on the witness stand was that she was not motivated by malice toward the defendant to the extent where she would perjure herself. She is too intelligent a person, to my mind, to do that sort of thing.

I think the evidence clearly shows, and beyond any doubt in my mind, that this defendant did induce, compel and procure Edna Rodrigues Alford to hold herself out as a prostitute, and to practice prostitution, with the idea in his mind, Alford's mind, that he was going to get a portion of the ill-gotten gains earned by her. [82]

I further find that the testimony of the principal witness for the Government sustained the allegations in all five counts contained in the Indictment, and I find the defendant is guilty as charged as to each count.

Mr. Marshall: May we except to the verdict, because the evidence does not show the defendant guilty beyond a reasonable doubt.

The Court: Yes, Mr. Marshall. Mr. Alford, you will be referred to the Adult Probation Officer for pre-sentence investigation and report, and the mat-

ter of sentence in your case will be continued until Friday, May 25th, 1951, at 1:30 p.m. Anything further?

Mr. Marshall: Just for the record, your Honor, we hereby give notice of motion for a new trial at this time.

The Court: Very well. Anything further, Mr. Clerk?

The Clerk: No, your Honor.

The Court: The Court will recess then.

(Whereupon Court adjourned.) [83]

Friday, May 25, 1951, 1:30 P.M.

(The Clerk called the case.)

The Court: Mr. Marshall, have you anything to say on behalf of the defendant?

Mr. Marshall: Your Honor, in this particular case, possibly it is a little different than most matters that come before the Court. The Court has heard the complaining witness in this case testify that before her marriage to this defendant, even earlier too, she practiced prostitution, and continued practicing prostitution after her marriage to this defendant. This man is nearly 37 years old. He has no record of any kind, no previous record, no record of arrest even for investigation, in so far as the Police Department is concerned, up to this incident. He has managed to behave himself. This woman, the complainant, is a self-confessed prostitute, that was her means of livelihood. I am asking the Court to consider giving the defendant proba-

tion in this case conditioned upon Willie Alford being out of this Territory within seven days.

The Court: Mr. Marshall, I appreciate [84] what you have to say in this case, and I have given a good deal of thought to it, as a matter of fact. As Mr. Symonds pointed out a while ago I guess we are always going to have prostitution, but that is no justification for procuring and pimping. I take a very dim view of anyone who earns his livelihood as a result of prostitution in the manner in which Willie Alford made his living, and contrary to what you have to say about the complaining witness in this case, I was considerably impressed in many ways. There is no question she did act as a prostitute. I was considerably impressed with her background.

It might as well be known as far as procurers and pimps are concerned in this Court, that they cannot carry on their trade and then get caught and then be given an opportunity to go back to the mainland of the United States.

The matters that you have taken up with the Court may be considered in connection with the Board of Paroles and Pardons if Mr. Alford is desirous of leaving the Territory after the service of his sentence. That will be entirely up to him.

It is the judgment and sentence of the Court that the defendant, William Lafayette Alford, as to the first count in the Indictment in this case, that he be confined at Oahu Prison at hard labor for a period of five years. The same sentence will be given in the second, third, fourth and fifth counts of the

Indictment, the sentence as to each count to run concurrently. [85]

Mr. Marshall: We wish to note an exception to the verdict and to the sentence of the Court, as being contrary to the law and to the evidence, and to the weight of the evidence, and note an appeal to the Supreme Court.

The Court: The exception will be noted.

I Hereby Certify that the foregoing, pages 3 to 84, both inclusive, is a true and correct transcript of my shorthand notes taken in the above-entitled cause before Honorable Jon Wiig, Fifth Judge, Circuit Court of the First Judicial Circuit, Territory of Hawaii, at Honolulu, T. H., on Wednesday, April 25th, 1951, and Friday, May 25th, 1951.

/s/ ANNE R. WHITMORE,  
Official Court Reporter.

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[Title of Supreme Court and Cause.]

#### SUPREME COURT CLERK'S CERTIFICATE

I, Leoti V. Krone, clerk of the supreme court, Territory of Hawaii, do hereby certify that the documents and items listed in the index to the certified transcript of record on appeal to the United States Court of Appeals for the Ninth Circuit in the above-entitled cause are true and correct copies of originals on file in said cause and the above court, and certified copies of originals on file in said court and cause. I further certify



In the United States Court of Appeals  
for the Ninth Circuit

No. 13519

TERRITORY OF HAWAII,  
Defendant in Error,

vs.

WILLIAM LAFAYETTE ALFORD,  
Appellant Herein and  
Defendant-Plaintiff in Error.

STATEMENT OF POINTS RELIED UPON  
AND DESIGNATION OF RECORD

Comes now, William Lafayette Alford, appellant herein, by his attorney, Thomas P. Gill, and hereby adopts his assignments of error appearing in the transcript of the record as the points upon which he intends to rely on appeal, and designates the entire transcript on appeal as set forth in the Praeceptum filed with the Clerk of the Supreme Court of the Territory of Hawaii on this date for printing.

Dated: At Honolulu, T. H., this 18th day of July, 1952.

WILLIAM LAFAYETTE  
ALFORD,

By /s/ THOMAS P. GILL,  
His Attorney.

[Endorsed]: Filed August 28, 1952.

THE UNIVERSITY OF CHICAGO  
DEPARTMENT OF CHEMISTRY

RESEARCH REPORT  
NO. 1000

BY  
J. H. GOLDSTEIN

DEPARTMENT OF CHEMISTRY  
UNIVERSITY OF CHICAGO  
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